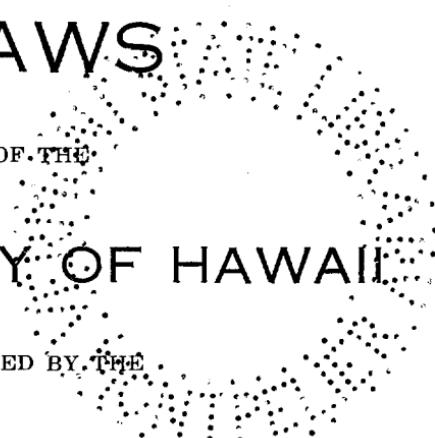


LAWS
OF THE
TERRITORY OF HAWAII
PASSED BY THE
SIXTEENTH LEGISLATURE

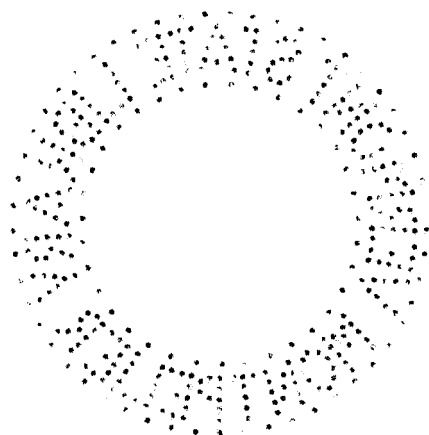


REGULAR SESSION
1931

COMMENCED ON WEDNESDAY, THE EIGHTEENTH
DAY OF FEBRUARY, AND ENDED ON SATURDAY,
THE TWENTY-THIRD DAY OF MAY.

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1931



LIST OF OFFICERS AND MEMBERS OF THE LEGISLATURE OF THE TERRITORY OF HAWAII

REGULAR SESSION 1931

SENATE

President.....Robert W. Shingle, Honolulu, Oahu
 Vice-President.....Ernest A. K. Akina, Kohala, Hawaii
 Clerk.....Ellen D. Smythe, Honolulu, Oahu

District	Name	Address
First.....	*Akina, Ernest A. K. (R).....	Kohala, Hawaii
	Desha, Sr., Stephen L. (R)....	Hilo, Hawaii
	Hind, Robert (R).....	Kailua, Hawaii
	*Kamau, William K. (R).....	Hilo, Hawaii
Second.....	*Cooke, George P. (R).....	Kaunakakai, Molokai
	*Low, A. Paul (R).....	Wailuku, Maui
	Rice, Harold W. (R).....	Paia, Maui
Third.....	Brown, Francis H. II (R).....	Honolulu, Oahu
	*Cooke, Clarence H. (R).....	Honolulu, Oahu
	Heen, William H. (D).....	Honolulu, Oahu
	*Jarrett, James K. (R).....	Honolulu, Oahu
	*Shingle, Robert W. (R).....	Honolulu, Oahu
	Sylva, Joseph L. (R).....	Honolulu, Oahu
Fourth.....	*Aki, Henry K. (R).....	Kapaa, Kauai
	Rice, Charles A. (R).....	Lihue, Kauai

D.....Democrat 1
 R.....Republican 14

* Holdover Senators from 1929 Session.

HOUSE OF REPRESENTATIVES

Speaker.....Roy A. Vitousek, Honolulu, Oahu

Vice-SpeakerEvan Da Silva, Hilo, Hawaii

Clerk.....Joseph Ordenstein, Honolulu, Oahu

District	Name	Address
First.....	Ahuna, Herbert N. (R).....	Hilo, Hawaii
	Kimi, William J. (R).....	Hilo, Hawaii
	Oka, T. (R).....	Hilo, Hawaii
	Silva, Evan Da (R).....	Hilo, Hawaii
Second.....	Akina, Arthur A. (R).....	Kamuela, Hawaii
	Aona, Francis K. (R).....	Kealahkekua, Hawaii
	Kawaha, George K. (R).....	Waiohinu, Hawaii
	Smith, John R. (R).....	Hookena, Hawaii
Third.....	Cameron, J. Walter (R).....	Makawao, Maui
	Engle, W. H. (R).....	Kahului, Maui
	Makekau, Manase K. (R).....	Hoolehua, Molokai
	Paschoal, M. Gomes (R).....	Puunene, Maui
Fourth.....	Robinson, Jr., Henry P. (R)....	Lahaina, Maui
	Sniffen, Samuel A. (R).....	Paia, Maui
	Beebe, Eugene H. (R).....	Honolulu, Oahu
	Low, Eben P. (R).....	Honolulu, Oahu
	Mills, Harry T. (R).....	Honolulu, Oahu
	O'Brien, Ray J. (R).....	Honolulu, Oahu
	Vitousek, Roy A. (R).....	Honolulu, Oahu
Fifth.....	Worrall, J. Howard (R).....	Honolulu, Oahu
	Akana, Albert K. (R).....	Honolulu, Oahu
	Holt, Charles H. K. (D).....	Honolulu, Oahu
	Isaacs, Jr., Wm. K. (R).....	Honolulu, Oahu
	Mossman, R. N. (R).....	Honolulu, Oahu
	Smith, Nolle R. (R).....	Honolulu, Oahu
Sixth.....	Yamashiro, Andrew M. (D)....	Honolulu, Oahu
	*Fernandez, W. A. (R).....	Kapaa, Kauai
	Gomes, Clement (R).....	Lihue, Kauai
	Marcallino, A. Q. (R).....	Eleele, Kauai
	Wichman, Fred W. (R).....	Kapaa, Kauai

D.....Democrat 2

R.....Republican 28

* Elected at a Special Election held December 20, 1930, to fill the vacancy caused by the death of C. A. Baggott, who was elected at the General Election.

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LAWS OF THE TERRITORY OF HAWAII

PASSED AT THE

SIXTEENTH REGULAR SESSION OF THE LEGISLATURE

1931

ACT 1

[H. B. No. 1]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAY-
ING THE EXPENSES OF THE REGULAR SESSION OF THE HOUSE
OF REPRESENTATIVES OF THE LEGISLATURE OF THE TERRITORY
OF HAWAII OF THE YEAR 1931.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and hereby is appropriated the sum of fifty-five thousand dollars (\$55,000.00) from the public treasury for the purpose of defraying the expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1931.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of February, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 2

[S. B. No. 1]

AN ACT TO APPROPRIATE MONEY FOR THE PURPOSE OF DEFRAYING THE EXPENSES OF THE REGULAR SESSION OF THE SENATE OF THE LEGISLATURE OF THE TERRITORY OF HAWAII OF THE YEAR 1931.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be and hereby is appropriated the sum of forty thousand dollars (\$40,000.00) from the public treasury for the purpose of defraying the expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the year 1931.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 24th day of February, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 3

[H. B. No. 52]

AN ACT PROVIDING A PENSION FOR BROTHER JOSEPH DUTTON AND MAKING APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon warrants to be issued by the auditor of the Territory of Hawaii each month beginning with the month of February, 1931, and to continue such payment for the term of the life of the recipient hereinafter named in the sum set opposite his name: Brother Joseph Dutton \$300.00. Provided, however, that said beneficiary under this Act shall not be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position in the Territory of Hawaii or any political subdivision thereof.

Such payment is hereby appropriated out of monies received in the treasury from the general revenues.

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of February, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 4

[S. B. No. 2]

AN ACT TO AMEND SECTION 2 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE PUBLICATION OF LAWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2. Published by secretary. The secretary of the Territory shall promulgate all the laws enacted by the legislature by publishing the same in the English and Hawaiian languages, the Hawaiian version to be published in a newspaper published weekly in the Hawaiian language, and the English version in a newspaper of general circulation published daily in Honolulu in the English language. After the publication as aforesaid of all the laws enacted at any session of the legislature, the secretary shall cause the same to be printed and bound in book form."

SECTION 2. This Act shall take effect upon its approval.

Approved this 5th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 5

[H. B. No. 23]

AN ACT TO AMEND SECTION 4148 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO CARNAL ABUSE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4148 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 4148. Carnal abuse of female under twelve; punishment. Whoever ravishes or carnally abuses and knows any female child under the age of twelve years, shall suffer the punishment of death, or imprisonment at hard labor for life, or any number of years, in the discretion of the Court."

SECTION 2. This Act shall take effect upon its approval.

Approved this 6th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 6

[S. B. No. 11]

AN ACT TO AMEND SECTION 1322 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 50 OF THE SESSION LAWS OF 1929, RELATING TO PERSONAL TAX EXEMPTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1322 of the Revised Laws of Hawaii 1925, as amended by Act 50 of the Session Laws of 1929, is hereby further amended to read as follows:

“Sec. 1322. Persons exempt; clergymen and priests of any denomination, members of volunteer fire department, national guard and naval militia. The following persons shall be exempt from personal taxes: all clergymen and priests of any denomination regularly engaged in their vocation, regular members of a volunteer fire department, all officers and soldiers of the national guard, and all officers and sailors of the naval militia; provided, however, that in order to secure such exemption the commanding officer of such soldiers or sailors shall, on or before January 31st of each year, deliver under oath to the assessor of the division, a statement as of January 1st of that year showing the names of such soldiers or sailors who are entitled to exemption.

“A person whose tax has been wholly exempted or abated shall be entitled to a certificate thereof from the assessor upon demand therefor”.

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 7

[S. B. No. 41]

AN ACT TO AMEND SECTION 1462 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY SECTION 9 OF ACT 219 OF THE SESSION LAWS OF 1927, BY ADDING A NEW PROVISION PROVIDING THAT TREASURER'S WARRANT NOTES SHALL BE ISSUED UPON THE CREDIT OF THE TERRITORY OF HAWAII, AND THE INTEREST AND PRINCIPAL THEREOF SHALL BE EXEMPT FROM TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1462 of the Revised Laws of Hawaii 1925, as amended by Section 9 of Act 219 of the Session Laws of 1927, is hereby amended by adding thereto the following provision:

"All such treasurer's warrant notes shall be issued upon the credit of the Territory of Hawaii, and the interest and principal thereof shall be exempt from taxation."

SECTION 2. This Act shall take effect upon its approval.

Approved this 13th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 8

[S. B. No. 42]

AN ACT TO AMEND SECTION 1679 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY SECTION 2 OF ACT 115 OF THE SESSION LAWS OF 1927, BY ADDING A NEW PROVISION PROVIDING THAT TREASURER'S WARRANT NOTES SHALL BE ISSUED UPON THE CREDIT OF THE COUNTY OR CITY AND COUNTY ISSUING THE SAME, AND THE INTEREST AND PRINCIPAL THEREOF SHALL BE EXEMPT FROM TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1679 of the Revised Laws of Hawaii 1925, as amended by Section 2 of Act 115 of the Session Laws of 1927, is hereby amended by adding thereto the following provision:

"All such treasurer's warrant notes shall be issued upon the credit of the county or city and county issuing the same, and the interest and principal thereof shall be exempt from taxation."

SECTION 2. This Act shall take effect upon its approval.

Approved this 13th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 9

[S. B. No. 48]

AN ACT WITHDRAWING THE SUM OF TEN THOUSAND DOLLARS (\$10,000.00) FROM USE BY THE TERRITORIAL BOXING COMMISSION AND PLACING THE SAME TO THE CREDIT OF THE GENERAL FUND OF THE TERRITORY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of ten thousand dollars (\$10,000.00), appropriated by Act 216 of the Session Laws of 1929, as a special revolving fund for the purpose of defraying expenses of the Territorial Boxing Commission, is hereby withdrawn from the use by said commission and placed to the credit of the general fund of the Territory.

SECTION 2. This Act shall take effect on July 1, 1931.

Approved this 14th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 10

[S. B. No. 85]

AN ACT TO AMEND SECTION 1510 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ACCOUNTS AND REPORTS OF THE HIGH SHERIFF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1510 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1510. High sheriff, accounts and reports. The high sheriff, in addition to any other reports and accounts required by law, shall render to the attorney general such reports and accounts on matters pertaining to his administration, in such manner and at such times, as the attorney general may require."

SECTION 2. This Act shall take effect on July 1, 1931.

Approved this 14th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 11

[S. B. No. 94]

AN ACT TO AMEND SECTION 1449 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PUBLIC ACCOUNTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1449 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1449. Money drawn only on. Excepting moneys paid for the redemption of bonds of the Territorial debt, and the interest coupons of the same, and for interest on overdue warrants, and drafts against special deposits and for expenses of the legislature, no money shall be drawn from or out of the treasury except upon warrants substantially in the form of Section 1467, issued from the Auditor's office. Every such warrant shall be signed by the Auditor or his deputy or by means of any mechanical check signer that may be adopted by the Auditor, and shall be made payable upon such date as may be approved by the Treasurer to the order of the person or persons to whom the Territory is directly indebted."

SECTION 2. This Act shall take effect upon its approval.

Approved this 14th day of March, A. D. 1931.

LAWRENCE M. JUDID,
Governor of the Territory of Hawaii.

ACT 12

[H. B. No. 119]

AN ACT TO AMEND CHAPTER 201 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 47 OF THE SESSION LAWS OF 1925, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 3554-A, RELATING TO REGISTRATION OF COPARTNERSHIPS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new section, to be known as Section 3554-A, is hereby added to Chapter 201 of the Revised Laws of Hawaii 1925, as amended, to read as follows:

"Section 3554-A. Name; registration of. No copartnership shall take a name (whether of a person or not) identical with the name

of any copartnership or corporation previously authorized to do business and doing business under the laws of the territory or with any trade name previously registered under the provisions of Chapter 203, Revised Laws of Hawaii 1925, as amended, or so nearly similar thereto as to lead to confusion and uncertainty. The statement of any proposed copartnership having a name in violation of the provisions hereof shall not be recorded by the treasurer."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 14th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 13

[H. B. No. 51]

AN ACT MAKING AN APPROPRIATION FOR THE ACQUISITION OF A SUITABLY INSCRIBED BRONZE TABLET BEARING THE NAMES OF HAWAII'S WORLD WAR DEAD, TO BE PLACED UPON THE WALLS OF THE WAR MEMORIAL NATATORIUM IN HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of the general revenues of the territory, not otherwise appropriated, the sum of five hundred dollars (\$500.00) or so much thereof as may be necessary, to be expended by the superintendent of public works for the purchase and installation of a suitably inscribed bronze tablet, bearing the names of Hawaii's World War dead, as set forth in the Roll of Honor compiled by the Hawaiian Historical Commission and published in 1928 by said commission under the caption of "Hawaii in the World War". Such tablet shall be installed in an appropriate place upon the walls of the War Memorial Natatorium in Honolulu, in honor of such dead, and in commemoration of their supreme sacrifice.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 16th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 14

[S. B. No. 60]

AN ACT TO AMEND SECTIONS 3054, 3055, 3057, 3060 AND 3063 AND TO REPEAL SECTION 3053 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO SUPPORT OF CHILDREN BORN OUT OF WEDLOCK.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3054 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3054. Application for arrest of alleged father. Any unmarried woman when quick with child or within six months after the delivery thereof, may apply to the judge of the juvenile court of the circuit in which she or the alleged father of the child resides, or in which she was delivered of the child, for a warrant for the arrest of the person whom she accuses of being the father thereof.

"The warrant may also be applied for by either of the parents or guardian of the mother, or by any person as the next friend of the child within six months after the date of its birth; and if after the complaint has been made either by the mother or by any one as above specified, the mother dies or refuses or neglects to prosecute the same, any of said persons may prosecute the case to final judgment for the benefit of the parent, guardian or the child.

"Before issuing the warrant, the judge shall examine the applicant under oath concerning the residence, the character and married or single condition of the mother when the child was begotten, the time and place where it was begotten, where and when it was born, if born, and such other circumstances as such judge shall deem necessary or proper for testing the truth of the accusation, and shall reduce the statement of the applicant to writing and sign the same."

SECTION 2. Section 3055 of said Revised Laws is hereby amended to read as follows:

"Sec. 3055. Issuance of warrant, bond. If, on the examination, there appears probable cause to believe that the woman is quick with child or that the child, if born, is still under six months of age and that the accused person is the father thereof, the judge shall issue a warrant directed to the high sheriff of the Territory, his deputy, the sheriff of the county or city and county or his deputy, or any police officer within the circuit, requiring the accused to be arrested and brought for preliminary examination before the judge of the juvenile court, who, upon such preliminary examination, may require the accused to enter into bond with good

sureties to the Territory in a sum to be fixed by the judge for his appearance and trial in the juvenile court, but if the woman be quick with child at the time of the arrest, final trial shall not take place until after the birth of the child. If the accused shall fail to give the bond required of him, the judge may forthwith commit him to the custody of the sheriff of the county or city and county, there to remain until he shall enter into the required bond or otherwise be discharged by due process of law. In all prosecutions under this chapter, the accused shall, upon his demand therefor, be entitled to a trial by jury; otherwise the trial shall be by the judge."

SECTION 3. Section 3057 of said Revised Laws is hereby amended to read as follows:

"Sec. 3057. Bond after judgment. An accused, if he shall be adjudged to be the father of the child, may thereupon be required by the court to enter into bond with good sureties to the Territory in a sum to be fixed by the judge, conditioned for the payment of the sum or sums adjudged in such instalments and in such manner as the court shall direct. The judge may, from time to time, require the accused to furnish a new or additional bond in this connection. In case of his failure to enter into the bond or bonds the court may commit him to the custody of the sheriff of the county or city and county, there to remain until he shall give the bond or bonds or pay the total amount of the sum or sums adjudged. If the child shall die before the expiration of the bond or bonds, the person adjudged to be the father of the child and his sureties shall be discharged from the bond or bonds upon the payment of all amounts due before the death."

SECTION 4. Section 3060 of said Revised Laws is hereby amended to read as follows:

"Sec. 3060. Inability to furnish bond or to make payment. When the accused shall have been confined solely for failure to make the payments required or to enter into the bond as ordered, he may apply in writing to the judge of the juvenile court, setting forth his inability to make the payments or to furnish the required bond, notwithstanding his desire to do so, whereupon the judge shall proceed to hear and determine the matter. If, on examination, it shall appear that the accused is unable to make the payments or to furnish the required bond, the accused shall be discharged from imprisonment only but not from his obligation to support the child. In such event, the court may order the personal estate and the rents and profits of the real estate of the accused and also his wages or salary, or so much thereof as may be necessary, to be sequestered and may appoint a receiver thereof, and cause such

personal estate, rents, profits, wages and salaries, so sequestered, to be applied towards the payment of the sum or sums adjudged."

SECTION 5. Section 3063 of said Revised Laws is hereby amended to read as follows:

"Sec. 3063. Prosecution within six months; county or city and county attorney to prosecute. No prosecution under this chapter shall be begun more than six months after the birth of the child, provided that the time during which the person alleged to be the father thereof shall be absent from the Territory shall not be computed.

"It shall be the duty of the county or city and county attorney to prosecute all proceedings arising under this chapter."

SECTION 6. Section 3053 of said Revised Laws is hereby repealed.

SECTION 7. This Act shall take effect upon its approval.

Approved this 16th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 15

[S. B. No. 55]

AN ACT AUTHORIZING THE TRANSFER OF CERTAIN MONEYS IN THE SPECIAL FUND PROVIDED FOR BY SECTION 1159 OF THE REVISED LAWS OF HAWAII 1925, TO THE GENERAL FUND OF THE TERRITORY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the Auditor of the Territory of Hawaii is hereby authorized and directed to transfer to the general fund of the Territory all moneys remaining unexpended in the special fund in the treasury of the Territory provided for by Section 1159 of the Revised Laws of Hawaii 1925, for the maintenance of the special ward in the detention house established in connection with the insane asylum of the Territory under Chapter 92 of the Revised Laws of Hawaii 1925, which section and chapter of said

Revised Laws were repealed by Act 114 of the Session Laws of 1925, without specific provision for the disposition of moneys remaining in said special fund at the time said Act became effective.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 18th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 16

[H. B. No. 18]

AN ACT TO AMEND SECTION 2681 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DEATH BY WRONGFUL ACT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2681 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

“Section 2681. Action by dependent, when. When the death of a person is caused by the wrongful act or neglect of another, any person who was wholly or partly dependent upon such decedent may maintain an action for damages against the person causing the death, or if such person so liable was then employed by another person who is responsible for his conduct, then also against such employer. In every action under this section such damages may be given as under all the circumstances may be just. Such action must be commenced within one year after the injury which caused the death; provided, however, that nothing in this section shall be construed as authorizing any such dependent to maintain an action hereunder against the employer of such decedent in any case where such dependent has a remedy for compensation under the provisions of Chapter 209.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 19th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 17

[H. B. No. 107]

AN ACT TO AMEND SECTION 1316 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1316 of the Revised Laws of Hawaii 1925, as amended by Section 8 of Act 192 of the Session Laws of 1925, and by Act 163 of the Session Laws of 1927, is hereby further amended to read as follows:

“Sec. 1316. Additional property tax. On or before the 10th day of May of the year 1930, and of each even numbered year thereafter, the Director of the Bureau of the Budget shall prepare, with the approval of the Governor, an estimate of the amount of money, if any, required in addition to all other moneys estimated to be available for the purpose of meeting the probable expenditures under the territorial appropriations of general revenues until the 30th day of June of the following year; such estimates so approved shall be submitted to the territorial treasurer on or before said 10th day of May, and the territorial treasurer shall compute the rate necessary to yield the amount of such estimate, which rate, however, shall not exceed one-sixth of one per cent of the value of the real and personal property, exclusive of that mentioned in the first provision of Section 1315, as assessed for that year under Section 1315. Such property shall thereupon be subject to an additional tax at the rate so estimated for that year for the benefit of the territory, and all provisions of law relating to the assessment and collection of such general property tax shall be applicable so far as may be to the additional tax hereby authorized. The treasurer shall notify the several assessors of such rate in said month of May.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 18

[H. B. No. 118]

AN ACT TO AMEND SECTION 3576A OF THE REVISED LAWS OF HAWAII 1925, AS ENACTED BY ACT 174 OF THE SESSION LAWS OF 1925, RELATING TO THE REGISTRATION OF PRINTS, LABELS, TRADE MARKS AND TRADE NAMES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3576A of the Revised Laws of Hawaii 1925, as enacted by Act 174 of the Session Laws of 1925, is hereby amended to read as follows:

"Section 3576A. Certain prints, labels, trade marks and trade names are not to be adopted or used. It shall be unlawful for any person, copartnership or corporation, to adopt or use a print, label, trade mark or trade name, which is identical with any registered print, label, trade mark or trade name, or so similar as to be confused therewith, or any print, label, trade mark or trade name identical with or similar to the name of any copartnership or corporation registered in accordance with the provisions of Chapter 189 or of Chapter 201 of the Revised Laws of Hawaii 1925; and the treasurer of the territory shall not register any such print, label, trade mark or trade name."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 19th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 19

[H. B. No. 22]

AN ACT TO AMEND SECTION 2182 OF CHAPTER 131 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO EXHIBITING OF SUNDAY MOVIES AND SHOWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2182 of Chapter 131 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2182. Sunday movies and shows. The boards of supervisors of the several counties and the City and County of Honolulu are authorized and empowered to provide by ordinance for the exhibiting of moving pictures and legitimate stage play productions of an educational or biblical character on Sundays after the hour of 6:30 o'clock p. m., under such restrictions as they may prescribe."

SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 20

[H. B. No. 139]

AN ACT APPROPRIATING THE SUM OF ONE THOUSAND AND SEVENTY-ONE DOLLARS (\$1,071.00) TO REIMBURSE THE SUMITOMO BANK OF HAWAII, LIMITED, FOR MONEY ERRONEOUSLY PAID INTO THE TERRITORIAL TREASURY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of one thousand and seventy-one dollars (\$1,071.00) is hereby appropriated out of the general revenues of the Territory of Hawaii, to reimburse the Sumitomo Bank of Hawaii, Limited, for money deposited in the territorial treasury in payment of one hundred and nineteen (119) square feet of land along the mauka boundary of King Street, Honolulu, adjoining the premises of said bank, and to which said area the Territory of Hawaii subsequent to such deposit in said treasury, issued a quitclaim deed to said bank and agreed to return said sum of one

thousand and seventy-one dollars (\$1,071.00) erroneously deposited in said treasury.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 20th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 21

[H. B. No. 50]

AN ACT FOR THE RELIEF OF CHARLES K. PLUNKETT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay to Charles K. Plunkett the sum of two hundred dollars (\$200.00) to compensate him for injuries sustained by him at Hilo, Island of Hawaii, while on duty with the Hawaii National Guard at the National Guard Encampment at Hilo aforesaid in the year 1929; and said sum is hereby appropriated for said purpose out of the general revenues of the territory.

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 22

[H. B. No. 32]

AN ACT TO AMEND SECTION 2472 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 44 OF THE SESSION LAWS OF 1929, RELATING TO SERVICE OF PROCESS IN PROCEEDINGS IN EQUITY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2472 of the Revised Laws of Hawaii 1925, as amended by Act 44 of the Session Laws of 1929, is hereby further amended to read as follows:

“Section 2472. Service of process in proceedings in equity. When process is issued in any proceeding in equity in any matter of the character referred to in Section 2470, or in any other matter involving or concerning any tangible property, whether real or personal situated in the territory, or the right to the possession thereof or title thereto, it shall be served by delivery of a copy of the petition and of the summons to the defendant or respondent, or, in case he cannot be found, by leaving such copy upon the premises involved in the controversy, if the same concerns real property, or in such other manner as the judge may direct. If the defendant was never a resident of the Territory of Hawaii, or has removed therefrom, and the facts shall appear by affidavit or otherwise to the satisfaction of the judge, he may order that service be made by publication of a notice of the pendency of such suit or proceeding in some newspaper suitable for the advertisement of notices of judicial proceedings for such length of time as he may deem reasonable, not less than once each week in four successive weeks, the last publication to be not less than twenty-one days prior to the time appointed for hearing, calling upon the defendant and all persons interested to appear and show cause why the prayer of the bill or petition filed in such suit or proceeding should not be granted at the time and place appointed for hearing. Service shall be deemed complete at the expiration of the time prescribed by the order for publication. If the residence of any such defendant be known, or shall be ascertained after publication of such notice has been ordered, the judge may order personal service of a certified copy of the bill or petition and summons and notice of the date of hearing, either within or without the territory, or service by registered mail with request for a return receipt which service, evidenced by such receipt signed by such defendant and returned to the clerk of the court, shall be regarded as equivalent to service by publication, or in lieu thereof. This section, however, shall not apply to process or the service thereof in any proceedings brought

under the provisions of Chapter 159 of the Revised Laws of Hawaii 1925."

SECTION 2. This Act shall take effect upon its approval, except as to pending litigation, and, as to such, the laws in force prior to the effective date of this Act shall govern.

Approved this 25th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 23

[S. B. No. 38]

AN ACT TO AMEND SECTION 219 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE RETIRED LIST.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 219 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 219. Retired list. Every commissioned officer who has reached the age of sixty-four (64) years, or who has become disabled or incapacitated for active duty, shall, upon the examination and recommendation of a board of medical officers, be placed upon the retired list; provided, however, if it be found by such board that such disability was incurred by reason of any fault or dereliction on the part of any such officer, such officer shall be dismissed from the service. Retired officers shall hold the rank held by them at the time of retirement, and shall only be placed on active duty by order of the Commander-in-Chief. When on active duty, such officers shall rank next to officers of like rank upon the active list."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 25th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 24

[S. B. No. 39]

AN ACT TO AMEND SECTION 237 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PROPERTY OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 237 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

“Sec. 237. Property of Territory. All property purchased by the Territory of Hawaii for the Hawaii National Guard shall be and remain the property of the Territory of Hawaii.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 25

[H. B. No. 103]

AN ACT TO AMEND ACT 145 OF THE SESSION LAWS OF 1929, RELATING TO BEAUTY CULTURE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 145 of the Session Laws of 1929, is hereby amended by amending Section 29 thereof to read as follows:

“Section 29. It shall be the duty of the secretary of the board under the direction thereof to aid prosecuting officers in the prosecution of persons charged with violations of any of the provisions of this Act.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 26

[S. B. No. 58]

AN ACT TO AMEND SECTION 2 OF ACT 137, SESSION LAWS OF 1929, RELATING TO INVENTORIES OF GOVERNMENT ASSETS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of Act 137, Session Laws of 1929, is hereby amended to read as follows:

“Section 2. It shall be the duty of the auditor of every county or city and county to ascertain if inventories have been filed as required by the provisions of this Act. Should any officer, head of department, agent, employee or other person of any county or city and county fail to file the required inventory within the time prescribed, the auditor of such county or city and county shall withhold the salary or wage due such officer, head of department, agent, employee or other person until such inventory be filed.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 27

[S. B. No. 114]

AN ACT TO PERMANENTLY EXTEND THE PROVISIONS OF ACT 248 OF THE SESSION LAWS OF 1929, PROVIDING PENSIONS FOR CERTAIN PERSONS THEREIN DESIGNATED AND TO AUTHORIZE AND DIRECT THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU AND THE BOARD OF WATER SUPPLY, CITY AND COUNTY OF HONOLULU, TO PAY SAID PENSIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The pensions established in Act 248 of the Session Laws of 1929 are hereby permanently extended, subject to the conditions in said Act provided, until abolished, amended and/or otherwise acted upon by the Legislature. And the Board of Supervisors of the City and County of Honolulu is hereby authorized

and directed, excepting as hereinafter provided, to pay said pensions each month to the beneficiaries designated in said Act 248 of the Session Laws of 1929, subject to the conditions therein provided.

SECTION 2. The pensions payable as provided herein to beneficiaries by reason of services heretofore rendered in respect to the Honolulu Water Works shall be, upon due certification to such effect by the Board of Supervisors of the City and County of Honolulu, paid by the Board of Water Supply, City and County of Honolulu, and the said Board of Water Supply is hereby authorized and directed to pay the same in manner and form provided herein, out of the general revenues of the said Board of Water Supply.

SECTION 3. Every beneficiary receiving a pension as provided for in Section 1 hereof shall be paid out of the special or general fund from which said beneficiary was paid compensation when last employed by the City and County of Honolulu, and where a widow or minor child, then such payment shall be out of the special or general fund from which the husband or parent, as the case may be, was so paid.

SECTION 4. Where sufficient funds are not available in the special funds of said City and County of Honolulu obligated under the provisions of this Act to satisfy the requirements hereof, then to the extent of the deficiency such payment shall be made out of the general fund of said City and County of Honolulu; and where the general revenues of the said Board of Water Supply are not sufficient to pay the pensions chargeable against the same, then to the extent of such deficiency payment shall be made by the Board of Supervisors of the City and County of Honolulu out of the said general fund.

SECTION 5. This Act shall take effect upon its approval.

Approved this 25th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 28

[H. B. No. 34]

AN ACT AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO PAY THE CLAIM OF ROBERT MILLER, HART WOOD, C. W. DICKEY AND ROTHWELL & LESTER FOR ARCHITECTURAL SERVICES IN CONNECTION WITH THE NEW CITY HALL BUILDING.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized, empowered and directed to pay out of any moneys in the permanent improvement fund in the City and County of Honolulu to Robert Miller, Hart Wood, C. W. Dickey and Rothwell & Lester, the total sum of six hundred sixty-one and 91/100 dollars (\$661.91) for their services as architects, rendered in connection with the new City Hall Building.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 25th day of March, A. D. 1931.

LAWRENCE M. JUDD.
Governor of the Territory of Hawaii.

ACT 29

[H. B. No. 76]

AN ACT FOR THE RELIEF OF MAGOON BROTHERS, LIMITED

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu, Territory of Hawaii, is hereby authorized and directed to pay, out of the general fund of the said City and County of Honolulu, the claims of Magoon Brothers, Limited, a Hawaiian corporation, in the total amount of fifty dollars (\$50.00), being the amount of premiums advanced by said corporation upon the bond of Eben Low as superintendent of the Municipal Market for

the years 1927 and 1928, which claims through inadvertence were not presented to and paid by said board of supervisors during the proper years.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 30

[S. B. No. 32]

AN ACT TO AMEND SECTION 3068 OF THE REVISED LAWS OF
HAWAII 1925, RELATING TO TESTAMENTARY GUARDIANS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3068 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3068. Appointment. Either parent, with the written consent of the other, or without such consent if the other is dead or incapable of consent or has abandoned the child, may by will appoint a guardian or guardians of the person and/or property of any of his or her children for the period of the child's minority or for any less period, and every testamentary guardian shall have the same powers and duties as those of a guardian appointed by the court."

SECTION 2. This Act shall take effect upon its approval.

Approved this 31st day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 31

[S. B. No. 14]

AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR THE GOVERNOR'S CONTINGENT FUND FOR THE BIENNIUM ENDING JUNE 30, 1931.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of the general revenues of the Territory the sum of fifty thousand dollars (\$50,000.00) as an additional appropriation for the Governor's Contingent Fund for the biennial period ending June 30, 1931, supplementary to and for the same purposes as that certain item of Act 255 of the Session Laws of Hawaii 1929, which reads: "Governor's Contingent Fund . . . 50,000.00"; provided, however, that a detailed account of all expenditures from said Contingent Fund not heretofore reported to the legislature, shall be submitted to the legislature at its regular session in 1933.

SECTION 2. This Act shall take effect upon its approval.

Approved this 3rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 32

[S. B. No. 168]

AN ACT APPROPRIATING FIVE HUNDRED DOLLARS (\$500.00) FOR THE FUNERAL EXPENSES OF BROTHER JOSEPH DUTTON.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated from the general revenues of the Territory the sum of five hundred dollars (\$500.00), or so much thereof as is necessary, to defray the funeral expenses of the late Brother Joseph Dutton. Expenditures from this appropriation shall be made under the direction of the governor, who shall approve the necessary vouchers.

SECTION 2. This Act shall take effect upon its approval.

Approved this 3rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 33

[S. B. No. 54]

AN ACT TO REMOVE CERTAIN LIMITATIONS RESTRICTING THE USE OF TERRITORIAL FUNDS EXCEPTING SINKING AND PRIVATE TRUST FUNDS TO MEET ANY INDERTEDNESS OF THE TERRITORY, AND TO REPEAL SECTION 1483 OF THE REVISED LAWS OF HAWAII 1925, IN CONFORMITY THEREWITH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized by and with the consent of the Governor of Hawaii to use any part or portion of moneys belonging to any funds of the Territory, excepting sinking funds and private trust funds, for the purposes of paying warrants drawn on the treasurer against any fund of the Territory temporarily depleted, provided, however, that the sums so taken shall be repaid to the credit of the fund or funds from which taken immediately after the replenishment of such depleted fund or funds.

SECTION 2. Section 1483 of the Revised Laws of Hawaii 1925, and all laws and/or parts of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 4th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 34

[S. B. No. 36]

AN ACT TO AMEND PARAGRAPH 5 OF SECTION 586 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 54 OF THE SESSION LAWS OF 1927, RELATING TO THE TERRITORIAL FORESTER'S DEPARTMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That paragraph numbered 5 of Section 586 of the Revised Laws of Hawaii 1925, as amended by Act 54 of the Session Laws of 1927, is hereby amended to read as follows:

"5. Territorial Forester Department. To appoint a Superintendent of Forestry, to be known as the Territorial Forester, who shall have charge, direction and control (subject to the direction and control of the board) of all matters relating to forestry, mentioned in or coming within the scope of this chapter, and such other matters as the board may from time to time direct. Said Territorial Forester shall be a trained and educated forester, who shall have made the subject of forestry a special study, and if such a man is available, one who has had practical training and experience in connection with forestry in a tropical country.

"Foresters. To appoint and commission in each district of the Territory one or more foresters, and the same at its pleasure to remove, who shall serve without pay, to assist the board to carry out the terms and intent of this law ;

"Assistants and rangers. To appoint and remove assistant foresters and forest rangers, who shall have police powers in and concerning all matters relating to or connected with forests or forest reservations and the enforcement of any of the provisions of this chapter, and such other persons as the commission may employ ;"

SECTION 2. This Act shall take effect upon its approval.

Approved this 4th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 35

[H. B. No. 98]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO THREE NEW SECTIONS TO BE KNOWN AS SECTIONS 2099A, 2099B AND 2099C, RELATING TO LICENSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 125 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto three new sections to be known as Sections 2099A, 2099B and 2099C, to read as follows:

"Section 2099A. Fee. Every person who, for compensation, acts as surety on any bail bond or bond to keep the peace shall pay an annual license fee of ten dollars. Provided, however, that this sec-

tion shall not apply to any person authorized to act as surety under the provisions of Chapter 192 hereof."

"Section 2099B. Limit of compensation. The amount of compensation which may be collected on any bail bond or bond to keep the peace by one or more persons acting as sureties thereon shall not exceed 5% of the amount thereof but need not be less than five dollars in any event."

"SECTION 2099C. Penalties. Every person who violates the provisions of Section 2099A shall be guilty of a misdemeanor and upon conviction shall be fined a sum not exceeding two hundred and fifty dollars (\$250.00).

"Every person holding a license to act as surety on any bail bond or bond to keep the peace who violates the provisions of Section 2099B shall be guilty of a misdemeanor and upon conviction shall be fined a sum not exceeding two hundred and fifty dollars (\$250.00) and shall forfeit such license and shall not be entitled to receive a similar license for a period of one year thereafter."

SECTION 2. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 36

[H. B. No. 89]

AN ACT TO AMEND SECTION 4028 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO WAIVER OF TRIAL BY JURY IN CRIMINAL CASES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4028 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 4028. Waiver of jury. The defendant in any criminal case other than a case in which the death penalty may be imposed may, with the consent of the court, waive the right to a trial by jury either by written consent filed in court or by oral consent in open court entered on the minutes. Any case in which a trial by jury is waived as aforesaid may be tried by the court without a jury both as to the facts and the law, and when the trial shall have

been had there shall be no further trial upon the facts, except upon the granting of a new trial according to law."

SECTION 2. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 37

[H. B. No. 90]

AN ACT AMENDING SECTION 2521, AS AMENDED BY ACT 211 OF THE SESSION LAWS OF 1925, AND SECTION 2522 AND REPEALING SECTION 2523 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO WRITS OF ERROR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2521 of the Revised Laws of Hawaii 1925, as amended by Act 211 of the Session Laws of 1925, is hereby amended to read as follows:

"Sec. 2521. Had when. A writ of error, returnable to the supreme court, may be issued by the clerk, or any deputy clerk or assistant clerk of the supreme court, upon the application of any party deeming himself aggrieved by the judgment of a circuit court, the land court, or a district magistrate, or by the order or decree of a circuit judge at chambers, at any time before execution thereon is fully satisfied, within ninety days from the entry of such judgment, order or decree and the sentence of the court in a criminal case shall be the judgment."

SECTION 2. Section 2522 of said Revised Laws is hereby amended to read as follows:

"Sec. 2522. By territory in criminal cases. A writ of error may be taken by and on behalf of the territory from the district or circuit courts direct to the supreme court in all criminal cases, in the following instances, to-wit:

"From an order or judgment quashing, setting aside or sustaining a demurrer to, any indictment or information or any count thereof;

"From an order or judgment, sustaining a special plea in bar, where the defendant has not been put in jeopardy;

"From an order granting a new trial;
"From an order arresting judgment;
"From a ruling on a question of law adverse to the territory where the defendant was convicted and appeals from the judgment;
"From the sentence, on the ground that it is illegal;
"Provided that no writ of error shall be taken by or allowed the territory in any case where there has been a verdict in favor of the defendant."

SECTION 3. Section 2523 of said Revised Laws is hereby repealed.

SECTION 4. This Act shall take effect on July 1, 1931.

Approved this 6th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 38

[H. B. No. 91]

AN ACT TO AMEND SECTION 4098, AND TO REPEAL SECTIONS 4099 AND 4100 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO INDETERMINATE SENTENCES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4098 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 4098. Indeterminate sentences. In all cases in which a person has been convicted of a felony, except in cases in which the penalty prescribed by law is death or imprisonment for life, the court in imposing sentence shall impose the maximum term of imprisonment prescribed by law for the crime for which he was convicted and in all cases in which the penalty prescribed by law may be imprisonment for life or any number of years the court imposing the sentence shall fix the maximum term.

As soon as practicable and not later than three months after any such person sentenced for a term less than for life has been committed to the territorial prison, the board of prison directors shall make an order fixing the minimum term of imprisonment to be served before he shall become eligible for parole. Before making the order the board shall first obtain all available information

[Sic]

concerning his age, nativity, nationality, parentage, education, industry, habits, disposition, character and career. As soon as practicable after the order is made the board shall in writing submit such order together with such information to the court having jurisdiction of the case for its approval. In considering the order the court shall have power to have such persons brought before it for examination and shall also have power to modify such order by increasing or decreasing the minimum term of imprisonment. Such order as approved or as modified by the court shall become effective upon receipt by the board of written notice thereof from the court. Upon the receipt of such notice the board shall notify such person in writing of the minimum term of imprisonment to be served by him before he shall become eligible for parole."

SECTION 2. Sections 4099 and 4100 of said Revised Laws are hereby repealed.

SECTION 3. This Act shall take effect on July 1, 1931.

Approved this 6th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 39

[H. B. No. 92]

AN ACT TO ABOLISH MINIMUM TERMS OF IMPRISONMENT IN FELONY CASES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All laws which prescribe maximum and minimum terms of imprisonment as penalties for felonies are hereby amended so as to abolish such minimum terms.

SECTION 2. This Act shall take effect on July 1, 1931.

Approved this 6th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 40

[H. B. No. 93]

AN ACT TO AMEND SECTION 2246 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 197 OF THE SESSION LAWS OF 1927, RELATING TO TERMS OF CIRCUIT COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2246 of the Revised Laws of Hawaii 1925, as amended by Act 197 of the Session Laws of 1927, is hereby amended to read as follows:

“Section 2246. Length and what cases may be tried when. The terms of the circuit courts may continue and be held, subject to adjournment from time to time, until the times fixed by law for the commencement of their next terms respectively, provided that Sundays and legal holidays shall be excepted; and provided, further, that no trial of any contested term civil case shall be commenced in July or August, except that during said months, with the consent of both parties, the circuit court of the first circuit may commence and try any civil case and the other circuit courts may commence and try any jury-waived civil case; and provided further, that the circuit court of the third circuit shall hold sessions in North Kohala beginning on the fourth Wednesday of July and in Kau beginning on the fourth Wednesday of January for the trial of, and may at such sessions commence and try, such cases only as do not require a jury, and that no jurors, grand or trial, shall be summoned for such sessions.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 41

[H. B. No. 95]

AN ACT TO AMEND CHAPTER 231 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO SENTENCES IN CRIMINAL CASES, SUSPENSION OF IMPOSITION OR EXECUTION THEREOF AND PLACING OF DEFENDANTS UPON PROBATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 231 of the Revised Laws of Hawaii 1925, is hereby amended by amending Section 4101 thereof to read as follows:

"Section 4101. Suspension of sentence by magistrate. Any district magistrate may, with the approval of the attorney general or his deputy or other duly qualified prosecuting officer, suspend the sentence of any person convicted of a misdemeanor before the court over which the magistrate is presiding for any period not to exceed thirteen months from the date of conviction of such person and upon such terms and conditions as the magistrate may deem best."

SECTION 2. Said chapter is hereby further amended by amending Section 4102 thereof to read as follows:

"Section 4102. Removal of suspension. At any time within thirteen months after the date of conviction of any person in respect to whom sentence has been suspended, the magistrate having jurisdiction of the case shall, upon his own motion or upon request of the attorney general or his deputy or other duly qualified prosecuting officer, upon good cause being shown therefor, issue a summons citing the person to appear at the time and place in the summons stated and show cause, if any there be, why sentence should not be pronounced. Should the person so cited fail to appear before the magistrate at the time and place stated, the magistrate, if in his judgment cause exists therefor, shall issue a warrant for the arrest of the person.

"When the person shall appear or be produced before the magistrate in accordance with the terms of the summons or warrant, the magistrate may proceed to impose sentence according to law. The sentence shall thereupon be duly recorded and certified to the sheriff or his deputy for execution.

"If, in any case in which sentence has been suspended in accordance with the provisions of Section 4101, sentence is not imposed within thirteen months from the date of conviction, the person so convicted shall not thereafter be liable to sentence on that conviction."

SECTION 3. Said chapter is hereby further amended by amending Section 4103 thereof to read as follows:

"Section 4103. Sheriffs deemed prosecuting officers. For the purposes of Sections 4101 and 4102, the high sheriff or his deputy or any county or city and county sheriff or his deputy shall be deemed to be a duly qualified prosecuting officer."

SECTION 4. Said chapter is hereby further amended by adding thereto four new sections to be known as Sections 4103A, 4103B, 4103C and 4103D to read as follows:

"Section 4103A. Suspension of imposition or execution of sentence; probation. Every circuit court, when it shall appear to its satisfaction that the ends of justice and the best interests of the public as well as of the defendant in a criminal case will be subserved thereby, shall have power after conviction or after a plea of guilty or nolo contendere, except in cases of murder in the first or second degree, rape, carnal abuse of a female under twelve, incest between parents and children or stepchildren, arson, kidnapping, robbery in the first degree, burglary in the first degree when armed with a deadly weapon, embezzlement of public moneys, the giving or accepting of a bribe or extortion by a public officer, agent or employee, to suspend the imposition or execution of sentence, in full or in part, and to place the defendant upon probation for such period and upon such terms and conditions as it may deem best.

"The court may from time to time revoke or modify any condition of probation or may change the period of probation. The period of probation, together with any extension thereof, shall not exceed five years.

"If a fine is imposed at the time the defendant is placed on probation the court may direct that such fine shall be paid by the defendant while he is on probation in one or several sums at such time or times as it may prescribe. The court may also direct the defendant to make restitution or reparation to the aggrieved person or persons for actual damage or loss caused by the offense for which he is convicted and also to provide for the support of any person or persons for whose support he is legally responsible."

"Section 4103B. Probation officers. Any circuit judge may appoint one or more persons as probation officers who shall, unless otherwise provided by law, serve without compensation."

"Section 4103C. Duties and powers of probation officers. It shall be the duty of a probation officer to investigate any case referred to him for investigation by the court in which he is serving and report thereon to the court. The probation officer shall

instruct each defendant placed on probation under his supervision regarding the terms and conditions of his probation. He shall keep informed concerning the conduct and condition of the defendant and shall report thereon to the court and shall use all suitable methods to aid the defendant and to bring about improvement in his conduct and condition. The probation officer shall keep such records and perform such other duties as the court may direct. Every probation officer shall, within the scope of his duties, have the powers of a police officer."

"Section 4103D. Termination of probation. At any time within the probation period the court having jurisdiction of the case shall, upon its own motion or upon request of the probation officer having supervision of the defendant or of the attorney general or his deputy or any county or city and county attorney or his deputy, upon good cause being shown therefor, issue a summons citing the defendant to appear at the time and place in the summons stated and show cause, if any there be, why sentence should not be imposed in full or why sentence should not be executed, as the case may be. Should the defendant so cited fail to appear before the court at the time and place stated, the court, if in its judgment cause exists therefor, shall issue a warrant for the arrest of the defendant.

"When the defendant shall appear or be produced before the court in accordance with the terms of the summons or warrant, the court may terminate the period of probation and proceed to impose sentence in full according to law, or, if sentence has already been imposed in full, to cause such sentence to be executed. The sentence, in either case, after having been duly recorded, shall be certified to the high sheriff or his deputy or to the sheriff or his deputy for execution.

"Upon the expiration of the period of probation, if the probation has not been sooner terminated, the defendant shall not thereafter be liable to sentence or be subject to imprisonment or other punishment upon a sentence already imposed in full or in part for the offense of which he was convicted."

SECTION 5. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 42

[H. B. No. 96]

AN ACT AMENDING SECTIONS 2519 AND 2536, AND REPEALING SECTION 2524, OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE POWERS OF THE SUPREME COURT IN CASES BROUGHT BEFORE IT ON EXCEPTIONS OR WRITS OF ERROR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2519 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2519. Powers of supreme court. When judgment has been entered in any case in which exceptions have been allowed, the judgment may be vacated by the supreme court without any writ of error in like manner as if it had been entered by mistake, and thereupon such further proceedings shall be had in the case as to law and justice shall appertain. But no order, judgment or sentence shall be vacated, reversed or set aside on exceptions unless the court is of the opinion that error was committed which injuriously affected the substantial rights of the party taking the exceptions."

SECTION 2. Section 2536 of said Revised Laws is hereby amended to read as follows:

"Section 2536. Judgment. The supreme court may affirm, reverse or modify the order, judgment or sentence of the trial court. It may enter such order, judgment or sentence, or may remand the case to the trial court for the entry of the same or for such other or further proceedings, as in its opinion the facts and law warrant. It may correct any error appearing on the record. In case of a conviction and sentence in a criminal case, if in its opinion the sentence is illegal or excessive it may correct the sentence to correspond with the verdict or finding or reduce the same, as the case may be. In case of a sentence to death, the court shall review the evidence to determine if the interests of justice require a new trial, whether the insufficiency of the evidence is assigned as error or not. Any order, judgment or sentence entered by the court may be enforced by it or remitted for enforcement by the trial court. But no order, judgment or sentence shall be reversed or modified unless the court is of the opinion that error was committed which injuriously affected the substantial rights of the plaintiff in error. Nor shall there be a reversal in any term case for any defect of form merely in any declaration, indictment or information or for any matter held for the benefit of the plaintiff in error or for any finding depending on the credibility of witnesses or the weight of the evidence or for any alleged error in

the admission or rejection of evidence or the giving of or refusing to give an instruction to the jury unless such alleged error was made the subject of an exception noted at the time it was committed. No writ of error shall be quashed for defect of form. The court may call witnesses or receive affidavits in reference to any controverted question of fact relating to the procedure in the trial or may call upon the trial court to examine into and correct or supply a statement in reference thereto as the facts may warrant."

SECTION 3. Section 2524 of said Revised Laws is hereby repealed.

SECTION 4. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 43

[S. B. No. 35]

AN ACT TO AMEND SECTION 729 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 264 OF THE SESSION LAWS OF 1927, RELATING TO A TERRITORIAL DIRECTOR, FISH AND GAME, AND SUBORDINATE OFFICIALS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 729 of the Revised Laws of Hawaii 1925, as amended by Act 264 of the Session Laws of 1927, is hereby amended to read as follows:

"Sec. 729. Territorial director, fish and game, assistants, and fish and game wardens; duties, appointments, qualifications, removal, compensation. There is created the office of territorial director, fish and game of the Territory, who shall have charge, direction and control, (subject to the direction and control of the board), of all matters relating to the preserving, protecting, propagating, importing and distributing fish and marine life, and game birds and game animals within the Territory and the waters subject to its jurisdiction, and the enforcement of the laws relating to such work.

"The board shall appoint a suitable person, who shall be a citizen of the United States of America and of the Territory of Hawaii, to fill the office of director of fish and game, during the pleasure of the board; such person so appointed shall receive such salary as the board, with the approval of the governor, shall de-

cide, and may be removed from office for reasons satisfactory to the board.

"The board shall also have power to appoint agents subordinate to the territorial director, fish and game, to be known as fish and game wardens, or such titles as the board decides, and who shall be under the direction and control of the territorial director, fish and game. The duties of such wardens and other officials shall be to assist such director in the work relating to the protecting, taking, killing, hunting, propagating or increasing fish or wild game within the Territory and the waters subject to its jurisdiction.

"The territorial director, fish and game, and subordinates, shall be provided with suitable badges or insignia of office by the board, and shall have all powers of police officers of the Territory, including the power to serve and execute warrants and to arrest offenders, throughout the Territory, in all matters relating to the enforcement of the fish and game laws of the Territory."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 6th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 44

[H. B. No. 94]

AN ACT TO AMEND CHAPTER 234 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 4115-A, RELATING TO PLEAS TO INDICTMENTS CHARGING MURDER IN THE FIRST DEGREE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 234 of the Revised Laws of Hawaii 1925 is hereby amended, by adding thereto a new section to be known as Section 4115-A and to read as follows:

"Section 4115-A. Pleas to indictments charging murder in the first degree. A plea of guilty to a charge of murder in the first degree shall not be received and if such a plea be offered it shall be disregarded by the court, and a jury shall determine the guilt or innocence of the defendant."

SECTION 2. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 45

[H. B. No. 117]

AN ACT TO AMEND CHAPTER 182 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO REGISTRATION OF CONVEYANCES, BY AMENDING SECTION 3143 THEREOF, AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 3173-A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3143 of the Revised Laws of Hawaii 1925, relating to the registration of conveyances, is hereby amended to read as follows:

"Sec. 3143. Recording, method. It shall be the duty of the registrar of conveyances to make or cause to be made an entire literal copy of all instruments required to be recorded in his office, in books suitable for such purpose, and at the foot of the copy the registrar, his deputy or clerk shall certify its correspondence with the original, after which the registrar, his deputy or clerk shall certify upon the exterior, or indorse upon the recorded instrument, the date of its registry, the book in his office in which, and the page of the book at which it was recorded.

"When an assignment, extension or release of mortgage of real or personal property, or a certificate of the taking or surrender of possession for foreclosure under mortgage, or an affidavit of notice of sale under a power contained in any mortgage, or an affidavit of entry, or an execution, order, or decree, for possession of the premises conveyed by any mortgage, or an assignment, extension or cancellation of lease is recorded in the office of the registrar, the registrar, his deputy or clerk shall enter upon the margin of the record of the original mortgage or lease, as the case may be, a note of reference to the record of the affidavit, assignment, extension, release, certificate, execution, order or decree."

SECTION 2. Chapter 182 of the Revised Laws of Hawaii 1925, relating to the registration of conveyances, is hereby amended by adding thereto a new section to be known as Section 3173-A, and reading as follows:

"Sec. 3173-A. Photostatic copies of old records. The registrar of conveyances is hereby authorized and directed to prepare photostatic copies of such records and/or record books in the bureau of conveyances which by reason of age, usage or otherwise are in such condition that they can no longer be conveniently used or consulted without danger of destruction thereof, and to certify to the correctness of such photostatic copies. Such certi-

fied photostatic copies may be read in evidence with the like force and effect as the original instrument. The correctness of such photostatic copies shall not be conclusive but may be rebutted. All such records and/or record books from which such photostatic copies are made shall be deposited with the board of commissioners of public archives."

SECTION 3. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 46

[H. B. No. 97]

AN ACT TO AMEND SECTIONS 2260, 2264 AND 2266 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO JUVENILE COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2260 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2260. Dependents and delinquents. Evidence in proceedings inadmissible elsewhere. Proceedings not criminal. For the purpose of this chapter, the words 'dependent child' shall mean any minor under eighteen years of age who, for any reason, is destitute or homeless or abandoned or dependent upon the public for support or who has no proper parental care or guardianship, or whose home, by reason of neglect, cruelty or depravity on the part of its parent, guardian, or other person in whose care it may be, is an unfit place for such child, and shall also mean any minor under twelve years of age who might otherwise be adjudged a delinquent child as that term is herein defined; and the words 'delinquent child' shall mean any minor over twelve years of age and under eighteen years of age who violates any law of the territory or any county or city and county ordinance or who is incorrigible, vicious or immoral, or who is growing up in idleness or crime or who is an habitual truant from school or who habitually wanders about the streets in public places during school hours without lawful occupation or employment. Any dependent or delinquent child may be proceeded against in the manner hereinafter provided. Any evidence given in any cause as hereinafter provided shall not

in any civil, criminal or other cause in any court be lawful or proper evidence against such child for any purpose whatever except in subsequent cases against the same child under this chapter. Proceedings under this chapter shall not be deemed to be criminal proceedings and such proceedings under this chapter shall not prevent the trial by criminal procedure in the proper courts of children over fourteen years of age charged with the commission of a felony."

SECTION 2. Section 2264 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2264. Committal of dependents to industrial school prohibited. No child who is adjudged a dependent child shall be committed to any industrial school."

SECTION 3. Section 2266 of the Revised Laws of Hawaii 1925 is hereby amended to read as follows:

"Section 2266. Care of dependents. When any child under the age of eighteen years shall be found to be a dependent child, the judge may make an order committing the child during a term not to exceed its minority to the care of a suitable institution or to the care of some reputable citizen of good moral character. The judge shall, when the health or condition of the child shall require, cause the child to be placed in a public hospital or institution for treatment and all necessary expenses incurred in connection therewith shall be paid out of such moneys as may be appropriated for the expenses of the circuit courts."

SECTION 4. This Act shall take effect upon its approval.

Approved this 6th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 47

[S. B. No. 96]

AN ACT MAKING AN ADDITIONAL APPROPRIATION OUT OF MONEYS IN THE FARM LOAN RESERVE FUND, SURPLUS ACCOUNT, FOR THE FURTHER REHABILITATION, IMPROVEMENT AND REPAIR OF THE CAPITOL BUILDING AND GROUNDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twenty thousand dollars (\$20,000.00) is hereby transferred from and out of that certain fund of the

Farm Loan Board of Hawaii known as the "Farm Loan Reserve Fund, Surplus Account", to the Capitol Building Rehabilitation Special Fund created by Act 71 of the Session Laws of 1929, which sum is hereby appropriated for the purposes of, and subject to the same conditions as provided in, said Act 71, and for the further improvement and repair of the Capitol Building, both exterior and interior, the resurfacing of the roadways within the Capitol grounds, repairing of fence and sidewalk where necessary, and improvements to grounds.

SECTION 2. This Act shall take effect upon its approval.

Approved this 8th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 48

[S. B. No. 29]

AN ACT TO AMEND CHAPTER 18 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 170A AUTHORIZING THE GOVERNOR TO APPOINT ACTING MEMBERS OF TERRITORIAL BOARDS OR COMMISSIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 18 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 170A to read as follows:

"Sec. 170A. The governor may appoint an acting member of any territorial board or commission to serve during the temporary absence from the Territory or the illness of any regular member thereof. Such acting member shall, during his term of service, have the same powers and duties as the regular member."

SECTION 2. This Act shall take effect upon its approval.

Approved this 8th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 49

[S. B. No. 61]

AN ACT TO AMEND CHAPTER 174 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 2992A RELATING TO THE CARE, CUSTODY, EDUCATION AND MAINTENANCE OF CHILDREN DURING PENDENCY OF SUITS FOR DIVORCE OR SEPARATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 174 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 2992A to read as follows:

"Sec. 2992A. Care, custody, education and maintenance of children pendente lite. During the pendency of any suit for divorce or separation the judge may make such orders concerning the care, custody, education and maintenance of the minor children of the parties to said suit as law and justice may require and may enforce such orders by summary process. The judge may revise and amend such orders from time to time."

SECTION 2. This Act shall take effect upon its approval.

Approved this 8th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 50

[S. B. No. 106]

AN ACT TO AMEND SECTION 2343 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 43 OF THE SESSION LAWS OF 1929, RELATING TO THE SERVICE OF PROCESS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2343 of the Revised Laws of Hawaii 1925, as amended by Act 43 of the Session Laws of 1929, is hereby further amended to read as follows:

"Sec. 2343. Service by publication, when. If the defendant was never a resident of the Territory of Hawaii, or has removed therefrom, or if, after due diligence, he cannot be found within

the Territory, but has property situate within the Territory, and the facts shall appear by affidavit or otherwise to the satisfaction of the judge, he may order that service be made by publication of summons in some newspaper suitable for the advertisement of notices of judicial proceedings for such length of time as he may deem reasonable, not less than once each week in four successive weeks, the last publication to be not less than twenty-one days prior to the date set for the trial of the action. The service of summons shall be deemed complete at the expiration of the time prescribed by the order for publication. Such order and notice shall also set a date for the trial of the action."

SECTION 2. This Act shall take effect upon its approval, except as to pending litigation and as to such the laws in force prior to the effective date of this Act shall govern.

Approved this 8th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 51

[S. B. No. 31]

AN ACT RELATING TO THE EFFECT OF MARRIAGE UPON THE
DOMICILE OF WOMEN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The domicile of any woman whose domicile at the time of marriage was in the Territory of Hawaii shall not be held to be changed by reason of marriage to a man whose domicile is in some foreign state, district, territory or country, unless such woman after marriage shall have assumed the actual domicile of her husband.

SECTION 2. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 52

[H. B. No. 45]

AN ACT TO AMEND SECTIONS 86 AND 88 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 177, SESSION LAWS OF 1929, RELATING TO INSPECTORS AND CLERKS OF ELECTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That certain proviso of Section 86 of the Revised Laws of Hawaii 1925, as amended by Section 7 of Act 177 of the Session Laws of 1929, is hereby amended to read as follows:

“Provided, that no officer or employee of the Territory of Hawaii and/or any county or city and county, excepting employees who are on a part-time or per diem basis, shall be appointed to serve as an inspector of election. This proviso shall not apply to the County of Kalawao.”

SECTION 2. That certain proviso of Section 88 of the Revised Laws of Hawaii 1925, as amended by Section 8 of Act 177 of the Session Laws of 1929, is hereby amended to read as follows:

“Provided that no officer or employee of the Territory of Hawaii and/or any county or city and county excepting employees who are on a part-time or per diem basis, shall be appointed to serve as a clerk in any such precinct. This proviso shall not apply to the County of Kalawao.”

SECTION 3. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 53

[H. B. No. 73]

AN ACT TO AMEND SECTIONS 1392 AND 1393 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO CORPORATION AND INDIVIDUAL INCOME TAX RETURNS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1392 of the Revised Laws of Hawaii 1925, is hereby amended by amending the paragraph thereof headed “Fifth” to read as follows:

"Fifth: The amount paid in salaries or compensation of more than one thousand dollars (\$1,000.00) to each person employed during each taxation period and the name and amount paid to each."

SECTION 2. Section 1393 of said Revised Laws is hereby amended by deleting from the second and third lines thereof the words and figures "of one thousand dollars (\$1,000.00) or more", and inserting in lieu thereof the words and figures "in excess of the exemptions allowed by Section 1388."

SECTION 3. This Act shall take effect on December 31, 1931.

Approved this 9th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii

ACT 54

[H. B. No. 122]

AN ACT TO AMEND SECTION 4 OF ACT 207 OF THE SESSION LAWS OF 1919, AS AMENDED BY ACT 174 OF THE SESSION LAWS OF 1927, RELATING TO BONDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4 of Act 207 of the Session Laws of 1919 (Revised Laws of Hawaii 1925, Volume II, page 1869), as amended by Act 174 of the Session Laws of 1927, is hereby amended to read as follows:

[Sic]

"Sec. 4. All such bonds shall be exempt from any and all taxes whatsoever, and the payment of the principal and interest thereof shall constitute a charge upon the consolidated revenues of the territory. In each and every year while any bonds of the territory are outstanding and unpaid there shall be levied upon all taxable property of the territory a tax sufficient to pay the interest and principal of said bonds at maturity. The territorial treasurer shall include in the annual tax levy the amount of interest maturing on all outstanding bonds of the territory during the current calendar year, together with the amount of principal of all serial bonds of the territory maturing during the following calendar year. He shall also, each year, estimate the amount which, if levied annually thereafter, together with the funds then in the sinking fund, and the accumulations of interest thereon, will produce an amount

sufficient for the purpose of retiring all term bonds then outstanding as they respectively become due and payable, and if the then amount of annual sinking fund contributions is not adequate to produce a sum sufficient to retire all term bonds as they mature, he shall prepare and present to the next succeeding legislature of the territory a special report giving the pertinent facts in the premises. All such taxes shall be levied, assessed and collected at the same time and in the same manner as other taxes of the territory are required to be assessed, levied and collected."

SECTION 2. This Act shall take effect upon its approval and shall apply to taxes for the year 1931.

Approved this 9th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 55

[H. B. No. 249]

AN ACT TO AMEND SECTION 2495 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO BONDS OF EXECUTORS ON THE SALE OF REAL ESTATE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2495 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2495. Bond, sale, confirmation. Every executor or administrator so licensed to sell real property shall give bond to the judge, with sufficient sureties, conditioned to sell the same and dispose of the proceeds in the manner provided by law, provided, however, that no such bond shall be required from an executor appointed without bond by a will. He shall use his best judgment in fixing the time and place of sale, and shall use his utmost endeavors to dispose of the property in such manner as will be most for the advantage of the estate. He shall post a notice of the time and place of sale on the property to be sold, and shall cause a like notice of the time and place of such sale to be published in a newspaper of general circulation on the island where the property is situate, once a week for each of three successive weeks, the last publication to be not less than one day previous to the day of sale. All such sales shall be at public auction to the highest bidder, subject to confirmation as hereinafter provided. Upon return of any

such sale the executor or administrator shall obtain from the judge an order of confirmation of the sale before making conveyance of the real property sold. The order confirming the sale shall be given upon affirmative proof that the license has been fully carried out, and that the highest bid was a fair and just price for the property sold."

SECTION 2. This Act shall take effect upon its approval.

Approved this 9th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 56

[H. B. No. 265]

AN ACT RELATING TO THE ESTABLISHMENT AND MAINTENANCE OF TERRITORIAL MONUMENTS AND RESERVES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Governor of the Territory of Hawaii is hereby authorized to designate, and to declare by public proclamation, historic land marks, structures and other objects of historic, scientific, scenic and botanic interest that are situated upon lands owned or controlled by the Territory of Hawaii to be territorial monuments or reserves; provided, however, that the Governor may, with the consent of the owner, designate and declare privately owned land marks, structures and objects to be territorial monuments or reserves; and provided, further, that the Governor shall make rules and regulations for the preservation, management and control of such monuments or reserves. [Sic]

SECTION 2. Any person who shall injure, destroy, deface or appropriate any such land mark, structure or other object or any object belonging or appertaining to any such monument or reserve, without the written consent of the Governor, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment. [Sic]

SECTION 3. This Act shall take effect on July 1, 1931.

Approved this 9th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 57

[S. B. No. 13]

AN ACT TO AMEND SECTIONS 1 AND 2 OF ACT 132 OF THE SESSION LAWS OF 1927, MAKING AN APPROPRIATION FOR THE RECLAMATION OF KAPAA SWAMP IN THE DISTRICT OF KAWAIHAU, ISLAND OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 132 of the Session Laws of 1927 is hereby amended to read as follows:

"Section 1. There is hereby appropriated out of the special fund known as the Sanitation Revolving Fund, the sum of fifteen thousand dollars (\$15,000.00) for the purpose of reclaiming and improving that property owned by the Territory of Hawaii situated in the District of Kawaihau, Island of Kauai, and commonly known as the Kapaa Swamp."

SECTION 2. Section 2 of Act 132 of the Session Laws of 1927 is hereby amended to read as follows:

"Section 2. The said sum of fifteen thousand dollars (\$15,000.00) herein appropriated, or so much thereof as may be necessary, shall be disbursed on warrants drawn by the Auditor, based on vouchers approved by the Superintendent of Public Works, who shall be charged with the work of reclaiming, improving and otherwise rendering the said Kapaa Swamp sanitary and safe to public health."

SECTION 3. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 58

[S. B. No. 78]

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE AND EXPEND OUT OF THE PERMANENT IMPROVEMENT FUND THE SUM OF THIRTY THOUSAND DOLLARS (\$30,000.00) FOR THE PURCHASE OF EQUIPMENT FOR, AND THE RENOVATION OF, THE HOME FOR INCURABLES AND INDIGENT SICK.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Board of Supervisors of the City and County of Honolulu is hereby authorized and empowered to appropriate and expend out of the Permanent Improvement Fund of the said City and County the sum of thirty thousand dollars (\$30,000.00) during the year 1931 for the purchase of furniture, fixtures and equipment for, and the renovation of, the Home for Incurables and Indigent Sick, located at the former Territorial Hospital site in Honolulu, said City and County.

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1931.

LAWRENCE M. JUDD.
Governor of the Territory of Hawaii.

ACT 59

[S. B. No. 84]

AN ACT TO AMEND SECTION 1492 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE ATTORNEY GENERAL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1492 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1492. Accounts. He shall account, in the manner provided by law, for all fees, bills of costs and other moneys collected or received by him by virtue of his office."

SECTION 2. This Act shall take effect on July 1, 1931.

Approved this 10th day of April, A. D. 1931.

LAWRENCE M. JUDD.
Governor of the Territory of Hawaii.

ACT 60

[S. B. No. 123]

**AN ACT PROVIDING FOR THE PAYMENT OF DR. R. J. MANSFIELD
FOR PROFESSIONAL SERVICES RENDERED CERTAIN TERRI-
TORIAL EMPLOYEES.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Treasurer of the Territory of Hawaii is hereby authorized and directed to pay out of the territorial insurance fund, upon a warrant issued by the Auditor of the Territory of Hawaii, the sum of twenty-seven dollars (\$27.00) to Dr. R. J. Mansfield, Waimea, Kauai, for professional services rendered certain employees of the Department of Public Works who, on the 8th day of January, 1930, were injured in the performance of duty on the Waimea River embankment, Waimea, Kauai.

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 61

[S. B. No. 149]

**AN ACT TO TRANSFER FUNDS WITHIN THE APPROPRIATIONS FOR
THE TERRITORIAL HOSPITAL FOR THE BIENNIUM 1929-1931.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The Auditor of the Territory of Hawaii is hereby directed and authorized to transfer seven thousand five hundred dollars (\$7,500.00) to the appropriation "Structures and Permanent Improvements to Land" for the Territorial Hospital, and appearing in Act 255, page 340 of the Session Laws of 1929, from the appropriations for "Personal Services", "Other Current Expenses" and "Equipment" for said Territorial Hospital and appearing in Act 255, page 340 of the Session Laws of 1929, in the following amounts:

From Personal Services	\$ 5,000.00
From Other Current Expenses	1,000.00
From Equipment	1,500.00

SECTION 2. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 62

[S. B. No. 63]

AN ACT TO AMEND ACT 179, SESSION LAWS OF 1925, BY AMENDING THE TITLE AND SECTIONS 2 AND 3 THEREOF, RELATING TO THE CREATION OF A DEPOSITORY FOR DOCUMENTS CONVEYING REAL PROPERTY TO THE TERRITORY OF HAWAII OR ANY POLITICAL SUBDIVISION THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The title of Act 179, Session Laws of 1925, is hereby amended to read as follows:

“AN ACT CREATING A DEPOSITORY FOR ALL DOCUMENTS PERTAINING TO REAL PROPERTY OR ANY INTEREST THEREIN CONVEYED TO THE TERRITORY OF HAWAII OR ANY POLITICAL SUBDIVISION THEREOF.”

SECTION 2. Section 1 of said Act 179 is hereby amended to read as follows:

“Section 1. The office of the commissioner of public lands is hereby designated as a depository for all documents pertaining to real property or any interest therein conveyed to the Territory of Hawaii or to any political subdivision thereof.”

SECTION 3. Section 2 of said Act 179 is hereby amended to read as follows:

“Section 2. The officer in charge of any department of the Territory of Hawaii or any department of any political subdivision thereof, who is authorized to negotiate for the acquisition of real property or any interest therein shall, within thirty days after the execution of the necessary documents involved, file all such documents pertaining to such real property or any interest therein

with the commissioner of public lands. Two blue print plans of such real property shall also be filed with said commissioner."

SECTION 4. This Act shall take effect upon its approval.

Approved this 10th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 63

[S. B. No. 74]

AN ACT TO AMEND SECTIONS 3124, 3134, 3135, 3136, 3137, 3138
AND 3141 OF CHAPTER 182 OF THE REVISED LAWS OF HAWAII
1925, AS AMENDED, RELATING TO THE REGISTRATION OF CON-
VEYANCES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3124 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3124. Registrar; appointment; tenure; salary. There shall be a bureau in the department of the treasury to be called the bureau of conveyances; and the governor shall appoint, upon the nomination of the treasurer, some suitable person to superintend the bureau, under the direction of the treasurer, who shall be styled the 'registrar of conveyances', and hold his office at the pleasure of the governor and receive such salary as may be appropriated by the legislature."

SECTION 2. Section 3134 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3134. Filing of; data on plans; monuments. The registrar of conveyances shall, on application, accept and file in the archives of his office, on the payment of the fee hereinafter provided, any plan of land, but the plan shall contain a short name of the tract for identification purposes, the name of the ahupuaa or ili, district and island, such data concerning the original title of the land platted as may be known, the name of the last owner of record and his address, the signature of the surveyor and his address, the signature of the maker and his address, date of survey, scale, the meridian line, area, the true azimuths and lengths of principal lines and the names of all known adjoining owners. It shall be necessary that one or more durable monuments shall be

placed on the land, which shall connect with the government triangulation system. All such monuments shall be placed as indicated on the plan. Whenever the land platted is made up of more than one original title, it shall be necessary to show all original title lines in broken lines, as follows: — .. — .. —

"It shall be necessary first to refer all plans to the surveyor of the Territory who shall make a careful check of same, including a check survey on the ground, and, if the plan is drawn in accordance with the provisions of sections 3134, 3135 and 3136, shall endorse his approval of the plan on the face thereof, after which the plan may be filed of record. He shall, however, withhold approval of any plan until proper showing is made that the surveyor and maker of the plan is a registered professional surveyor.

"For checking the survey on the ground, the surveyor of the Territory shall charge as costs not less than twenty-five dollars for from one to ten lots; an additional twenty-five cents each for all lots over ten and up to one hundred; and an additional ten cents each for all lots over one hundred, and may require the owner of the land to deposit the costs before making such check survey on the ground."

SECTION 3. Section 3135 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3135. Description; lot subdivisions. A description of the land platted shall be written upon the plan, the boundaries of which shall be described as running from left to right (clockwise) and the azimuth system shall be used in designating the courses of the survey with zero or 360 degrees at due south; 90 degrees at due west; 180 degrees at due north; 270 degrees at due east. The initial point in the description shall clearly show the connection with the government triangulation system, and all outside corners of the tract shall be substantially marked by monuments in the ground, where practicable; provided, however, that in all cases where tracts of land are subdivided into lots, with the intention of conveying separate lots by lot number and reference to the plat, it shall be necessary to show the true azimuths and lengths of all principal lines, the lot areas, and a sufficient number of durable monuments shall be placed in the ground so as to accurately identify each lot."

SECTION 4. Section 3136 of the Revised Laws of Hawaii 1925, as amended by Act 117, Session Laws of 1929, is hereby amended to read as follows:

"Sec. 3136. Plans on tracing cloth; size; scale. All plans must be on tracing cloth of good quality, and shall be of one of the following sizes, the figures indicating inches: 10 x 15; 15 x 21;

21 x 32; 30 x 36; 36 x 42; or 42, 48 or 54 wide without restriction as to length; which maps shall be prepared and drawn according to some one of the following scales, viz: 10, 20, 30, 40, 50, 100, 200, 300, 400, 500, 1000, 2000, 3000, 4000, or 5000 feet to an inch."

SECTION 5. Section 3137 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3137. Recording of plans unlawful. It shall not be lawful for the registrar of conveyances to accept for record and record any plan of land, whether attached to, made a part of, or independent of, any deed, certified copy of judgment of condemnation, or other instrument; to the end and purpose that there shall be no plans recorded in the record books, but in substitution therefor there shall be a single method of filing plans in the archives of the office of the registrar of conveyances. Provided, however, that where sketches, blue prints or plans of land of a size not larger than 8½ inches by 14 inches are attached to instruments and made a part thereof by reference to the same in the instrument, the registrar of conveyances may record the same in the record books by means of the photostat recorder, on payment of the fee as hereinafter mentioned."

SECTION 6. Section 3138 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3138. Copies of plans furnished by registrar. The registrar of conveyances shall furnish, when so requested, copies of any map or plan filed in accordance with sections 3134-3137, duly certified by his seal of office, upon payment of the fee hereinafter mentioned."

SECTION 7. Section 3141 of the Revised Laws of Hawaii 1925, as amended by Act 74, Session Laws of 1927, is hereby amended to read as follows:

"Sec. 3141. Fees. The registrar shall be entitled to demand and receive the following fees, viz:

"1. For the registry of any deed, lease, mortgage, or other instrument required by law to be recorded, or presented for record, fifty cents per one hundred words; provided, however, that no fee shall be required of any county or city and county presenting any document for record, wherein any county or city and county is the grantee;

"2. For taking any acknowledgment preparatory to registry, one dollar for each party signing;

"3. For every copy of any instrument recorded in his office,

authenticated by his seal of office, fifty cents for one hundred words;

"4. For searching the records, and giving the certificate required by law, fifty cents for each year searched;

"5. For the filing of an attachment, one dollar;

"6. For the filing of a discharge of an attachment, twenty-five cents;

"7. For the filing of notice lis pendens, one dollar;

"8. For recording by photostat recorder, sketches, blue prints or plans of land attached to and made a part of instruments, one dollar;

"9. For filing plan of land, one dollar;

"10. For copy of plan of land, authenticated by his seal of office, fifty cents for the first square foot and an additional ten cents for each additional square foot or fraction thereof in the size of the plan."

SECTION 8. This Act shall take effect from and after the date of its approval.

Approved this 10th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 64

[H. B. No. 121]

AN ACT TO PROVIDE FOR THE PAYMENT OF TAXES UPON LANDS HELD UNDER RIGHT-OF-PURCHASE LEASES, BY AMENDING SECTION 522 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SUB-SECTION THERETO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 522 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new sub-section thereto, reading as follows:

"(5) All government lands heretofore demised or that may hereafter be demised under right-of-purchase lease, shall be subject to taxation the same as all other government lands demised under general lease."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 10th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 65

[S. B. No. 10]

AN ACT TO AMEND CHAPTER 173 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO MARRIAGE, BY AMENDING SECTIONS 2943 AND 2953 THEREOF AND BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 2948A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2943 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2943. When valid; requisites of contract. In order to make valid the marriage contract, it shall be necessary that the respective parties be not related to each other nearer than in the fourth degree of consanguinity; that the male at the time of contracting the marriage shall be at least eighteen years of age and the female at least fifteen years of age; that the man shall not at the time have any lawful wife living and that the woman shall not at the time have any lawful husband living; and it shall in no case be lawful for any persons to marry in this Territory without a license for that purpose duly obtained from the agent duly appointed to grant marriage licenses. The marriage ceremony shall be performed only in the judicial district in which the license is issued."

SECTION 2. Section 2953 of said Revised Laws, as amended, is hereby further amended to read as follows:

"Sec. 2953. Delivery of records to Board of Health; penalty. Whenever any agent authorized to grant marriage licenses ceases to be such, or is directed to do so by the President of the Board of Health, or leaves the Territory, he shall deliver to the Board of Health all his records of marriage licenses, or upon the death of any such agent such records shall be delivered to the Board of Health by his executor, administrator or other legal representative.

"Whenever any person holding a license to perform the marriage ceremony is directed to do so by the President of the Board of Health, or whenever such license is cancelled or otherwise terminated or upon the departure from the Territory of any such person, he shall deliver to the Board of Health all his records of marriages, or upon the death of any such person such records shall be delivered to the Board of Health by his executor, administrator or other legal representative.

"Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars."

SECTION 3. A new section is hereby added to said Revised Laws to be known as Section 2948A and to read as follows:

"Sec. 2948A. Applicant apparently under age. If any applicant for a license to marry appears to any agent to be under the age of twenty years, such agent shall, before granting a license to marry, require the production of a certificate of birth or other satisfactory proof showing the age of such applicant."

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 13th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 66

[S. B. No. 22]

AN ACT APPROPRIATING FIVE THOUSAND DOLLARS (\$5,000.00)
FOR THE PURCHASE OF TEXT BOOKS FOR NEEDY PUPILS AT-
TENDING THE PUBLIC SCHOOLS.

[Sic]

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purchase by the Department of Public Instruction of necessary text books and for the payment of school fees for needy pupils registered in Grades 1 to 9 inclusive in the public schools, under such rules as may be prescribed by the Department, and in accordance with the provisions of Act 112 of the Session Laws of 1929.

[Sic]

SECTION 2. This Act shall take effect on and after September 1, 1931.

Approved this 13th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 67

[S. B. No. 68]

AN ACT TO AMEND CHAPTER 95 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 107 OF THE SESSION LAWS OF 1929, RELATING TO BIRTHS, DEATHS AND MARRIAGES, BY AMENDING SECTIONS 1218 AND 1224 THEREOF, BY ADDING THERETO TWO NEW SECTIONS TO BE KNOWN AS SECTIONS 1224-A AND 1224-B, AND BY REPEALING SECTION 1215.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1218 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1218. Records sent to registrar general. It shall be the duty of each registrar to transmit to the registrar general between the 1st and 5th days of each month, and in such form and manner as the registrar general may require, all original certificates of births, deaths and marriages registered by each such registrar during the preceding month. If there are no such registrations, each registrar shall so report the fact to the registrar general in such form and manner as the registrar general may require."

SECTION 2. Section 1224 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1224. Registration of births by physician, midwife, parent, etc., within ten days. Within ten days after the date of each birth, there shall be filed with the registrar of births, deaths and marriages of the district in which the birth occurred, a certificate of such birth, which certificate shall be upon the standard form of the U. S. Bureau of the Census approved by the American Public Health Association, with a view to procuring a full and accurate report with respect to each item of information as hereinafter provided.

"In each case where a physician or midwife was in attendance upon the birth of any child in the Territory of Hawaii, or was called upon in connection with the birth, it shall be the duty of the physician or, if unattended by a physician, of every midwife, to file in accordance herewith the certificate herein contemplated.

"In each case where there was no physician or midwife in attendance upon the birth, it shall be the duty of the father or, if the father be absent from the territory at the time of the birth, or not living, or, if the child be illegitimate, then it shall be the duty of the mother of such child, or householder, manager or superintendent of a public or private institution, each in the order of responsibility, within ten days after the date of such birth, to report to the local registrar the fact of such birth.

"The certificate of birth shall contain the following items, which are hereby declared necessary for the legal, social and sanitary purposes subserved by registration records:

"The place and date of birth, full name of child, if named; the sex, whether twin, triplet or other plural birth, and the number of each child in order of birth; whether legitimate or illegitimate; the full names of the parents, their residence, color or race, age, birth-place and occupation; the number of children born to the mother and the number stillborn, or any other information which may be required to make the certificate complete; the certification of attending physician or midwife as to attendance at birth, including the statement of the date and hour of birth and whether the child was born alive or stillborn, and, if stillborn, the cause of the still-birth."

SECTION 3. Chapter 95 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto two new sections to be known as Sections 1224-A and 1224-B, as follows:

"Sec. 1224-A. Late registrations. If it should appear to the registrar or the registrar general that any birth occurring in the Territory of Hawaii, after July 1, 1931, was not registered in conformity with the provisions of Section 1224 of this chapter, and that at least thirty days have elapsed since the date of birth, then the registrar or the registrar general shall require the applicant, or person making application for the registration or a certified copy of a record of birth, to cause the physician, or midwife, in attendance upon the birth, who failed or neglected to file a certificate thereof, to at once file with the local registrar a certificate of such birth in as complete form as the lapse of time will permit, and to pay a fee of five dollars, which shall be transmitted to the registrar general by the registrar and accounted for as a fee for a certified copy of the certificate of birth thus filed. With such certificate there shall be filed not less than two affidavits by credible witnesses as to the correctness of the statements set forth in any such birth certificate.

"If the physician or midwife, responsible for the certificate, be deceased or cannot be located, or, if the birth was unattended by a physician or midwife, then the father or mother, householder, manager or superintendent of a public or private institution, or other person having knowledge of the facts, may file such certificate of birth with the registrar general, together with not less than two affidavits of the correctness of the statements made in any such certificate, and the registrar general shall file the same and issue a certified copy of such certificate without fee."

"Sec. 1224-B. Records to be kept by hospitals. Superintendents, doctors, managers or other persons in charge of hospitals

or lying-in institutions, public or private, to which women resort for confinement, shall keep records containing all the data required by the form of birth certificate herein provided for, and in addition shall keep such other records or data as may be required by existing laws or the circumstances of the case.

"All hospitals, lying-in institutions, physicians and midwives shall register with the secretary of the board of health, within thirty days after the taking effect of this Act."

SECTION 4. Section 1215 of Chapter 95 of the Revised Laws of Hawaii 1925, is hereby repealed.

SECTION 5. This Act shall take effect July 1, 1931.

Approved this 13th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 68

[S. B. No. 101]

AN ACT TO AMEND CHAPTER 163 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO GARNISHMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2826 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new paragraph to read as follows:

"And provided, further, that if any party named in said process as a garnishee is a corporation, firm or person having places of business in more than one judicial circuit or district in the Territory, the service of said process upon such garnishee shall operate only to secure the money, debts, goods or effects due or belonging to the defendant in the hands of such garnishee, or affect only the salary, stipend, commissions, wages or annuity accruing or payable to the defendant from the garnishee, within the circuit or circuits in which said process is served in cases where said process is issued out of a circuit court, or within the district in which such process is served in cases where said process is issued out of a district court."

SECTION 2. All other provisions of Chapter 163 of the Revised Laws of Hawaii 1925, shall be limited by and construed in conformity with this Act.

SECTION 3. This Act shall take effect upon its approval.

Approved this 13th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 69

[S. B. No. 180]

AN ACT TO AMEND ACT 36 OF THE SESSION LAWS OF 1927,
PROVIDING ADDITIONAL REVENUE FOR THE SAMUEL MAHE-
LONA MEMORIAL HOSPITAL IN THE COUNTY OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 36 of the Session Laws of 1927, is hereby amended to read as follows:

"Section 1. The board of supervisors of the County of Kauai is hereby authorized and directed to set aside and appropriate annually a sum to be determined by the board, not, however, to exceed forty-five thousand dollars (\$45,000.00), for the maintenance and upkeep of the Samuel Mahelona Memorial Hospital, a tubercular hospital in the County of Kauai, and said board may either appropriate said money out of the general fund or establish a special tax for such purpose, and, any provisions of law to the contrary notwithstanding, may add to the amount to be raised by taxes each year for county purposes under subdivision 9 of Section 1315 of the Revised Laws of Hawaii 1925, the amount necessary to be raised to comply with the provisions hereof, and the territorial treasurer shall fix the tax rate accordingly; provided, however, that before December 15th in each year, the board of trustees of the Samuel Mahelona Memorial Hospital shall prepare and submit to the said board of supervisors a budget of the estimated requirements for the following year and if such budget calls for a lesser amount from the County of Kauai than forty-five thousand dollars (\$45,000.00), the said board of supervisors shall appropriate or request such lesser amount."

SECTION 2. This Act shall take effect upon its approval; provided, that, in fixing the tax rate for the County of Kauai for the year 1931 for subdivision 9 of Section 1315 of the Revised Laws of Hawaii 1925, as amended, the territorial treasurer shall insert in the calculations therefor the sum of forty-five thousand dollars (\$45,000.00) for the maintenance and upkeep of said Samuel Mahelona Memorial Hospital, regardless of the amount of the estimate for said year for said purposes submitted to him by the board of supervisors of the County of Kauai.

Approved this 14th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 70

[H. B. No. 19]

AN ACT TO PROMOTE THE DEVELOPMENT OF THE HAWAII EGG INDUSTRY, TO PROHIBIT THE SALE OF EGGS UNFIT FOR HUMAN FOOD, TO PREVENT DECEPTION IN THE SALE OF EGGS, TO PROTECT THE CONSUMING PUBLIC IN THE MATTER OF QUALITY AND WEIGHT, AND TO ENCOURAGE GREATER CONSUMPTION OF EGGS BY REGULATING AND STANDARDIZING THE GRADING, CLASSIFICATION, AND LABELING OF ALL EGGS DISPLAYED FOR SALE, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ACT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sale of bad eggs. No person shall sell, or offer to sell, or expose for sale, any eggs unfit for human food unless the same are broken in shell and then denatured so that they cannot be used for human food. For the purposes of this Act an egg shall be deemed unfit for human food if it be addled or moldy, if it contains black spot, black rot, white rot, or blood ring; if it has an adherent yolk or a bloody or green white (albumen), or if it consist in whole or in part of a filthy, decomposed or putrid substance.

SECTION 2. Words and phrases defined. Unless the context otherwise requires, the words and phrases employed in this Act shall have the meanings hereinafter defined.

(a) "Addled" or "white rot" means an egg which is putrid or rotten.

(b) "Moldy" means an egg in which mold has developed inside the shell.

(c) "Black rot" means an egg which has deteriorated to such an extent that the whole interior presents a blackened appearance before the candle.

(d) "Blood ring" means an egg which contains blood.

(e) "Adherent yolk" means an egg in which the yolk has settled to one side and become fastened to the shell.

(f) "Retailer" means any person, firm, or corporation or association which sells eggs to a consumer.

(g) "Consumer" means any person purchasing eggs for his or her own family use or consumption, or a restaurant, hotel, boarding house, bakery or other institution purchasing eggs for serving to guests or patrons, or for its or their use in cooking or baking.

(h) "Person" means any individual, firm, corporation or association.

(i) "Eggs" mean: (1) eggs in the shell; (2) liquid, frozen or dried whole egg meats, whites of eggs or egg yolks.

SECTION 3. Enforcement of Act. The territorial board of health is hereby empowered through its authorized agents, deputies and inspectors to enforce this Act and shall have supervision and control over all enforcement officers of this Act in the Territory of Hawaii.

SECTION 4. Grading standards and regulations. It shall be the duty of the territorial board of health to establish forthwith, and from time to time, specific grades or standards of quality and size or weight to govern the sale of eggs for human consumption, as permitted by this Act, and to make rules and regulations for carrying out all its provisions, provided, however, that such grades or standards of quality shall not permit the sale of any eggs of poorer quality than permitted by the grading standards established from time to time by the United States Department of Agriculture, Bureau of Agricultural Economics. All rules, regulations and standards of quality and weight, and supplementary changes therein as provided by this section, shall be filed in the office of the territorial board of health and shall be in effect sixty days after such filing.

SECTION 5. Notice of grade and size. It shall be unlawful for any person to sell, or offer to sell or expose for sale to a consumer, any eggs other than those of his own production intended for human consumption without notifying by suitable sign or label the person or persons purchasing or intending to purchase the same whether the same are imported from the mainland or foreign countries or of island production, and the exact grade or quality and the size or weight of such eggs, according to the standards prescribed by the territorial board of health.

SECTION 6. Seller's invoice. Every person, in selling eggs other than those of his own production to a retailer, shall furnish to said retailer an invoice showing the exact grade or quality and the size or weight of such eggs according to the standards prescribed by the territorial board of health. A copy of such invoice shall be kept on file by the person selling and by the retailer at their respective places of business for a period of thirty days, and shall be available for inspection at all reasonable times by accredited inspectors or representatives of the territorial board of health.

SECTION 7. Penalties. Every person who violates any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction for the first offense shall be punished by a fine not exceeding one hundred dollars; for the second offense by a fine not exceeding two hundred dollars; for the third and subsequent

offenses by a fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding ninety days.

SECTION 8. This Act shall take effect January 1, 1932.

Approved this 14th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 71

[H. B. No. 36]

AN ACT AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO PAY THE CLAIM OF HART WOOD FOR ARCHITECTURAL FEES FOR DESIGNING FURNITURE FOR THE NEW CITY HALL BUILDING.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized, empowered and directed to pay out of any moneys in the permanent improvement fund of the City and County of Honolulu to Hart Wood the sum of four hundred sixty-three and 20/100 dollars (\$463.20), for his fee as the architect designing furniture for the Mayor's office and assembly room of the new City Hall Building.

SECTION 2. This Act shall take effect on and after the date of its approval.

Approved this 14th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 72

[H. B. No. 44]

AN ACT TO AMEND SECTION 134 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO EXPENSES OF ELECTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 134 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 134. Expenses. The treasurer shall pay out of such appropriations as may be made by the legislature for election purposes to the members of the board of registration seven dollars a day of not less than six hours, for each day of actual service, which shall include traveling expenses; and to the inspectors of election (other than chairman), in precincts of not more than two hundred registered voters, the sum of ten dollars each, in precincts of more than two hundred and not more than four hundred registered voters, the sum of fifteen dollars each, in precincts of more than four hundred registered voters, the sum of twenty dollars each, and to the chairman of each board of inspectors a sum equal to five dollars more than the amount herein provided for each of the other members of such board, for each election held; and shall also pay the necessary expenses of preparing the polls and holding the election, which expenses shall be regulated and limited by the treasurer and shall not include the cost of refreshments."

SECTION 2. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1931.

LAWRENCE M. JUDD.
Governor of the Territory of Hawaii.

ACT 73

[H. B. No. 88]

AN ACT TO AMEND SECTION 4029 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO NOLLE PROSEQUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4029 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 4029. Nolle prosequi. No nolle prosequi shall be entered in a criminal case in a court of record except by consent of the court upon written motion of the prosecuting attorney stating the reasons therefor. The court may deny such motion if it deems such reasons insufficient and if, upon further investigation, it de-

cides that the prosecution should continue, it may, if in its opinion the interests of justice require it, appoint a special prosecutor to conduct the case and allow him a fee. The proviso of Section 4024 relative to fees allowed counsel assigned by the court for a defendant is hereby made applicable to fees of special prosecutors appointed hereunder."

SECTION 2. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 74

[H. B. No. 152]

AN ACT TO AMEND SECTION 3038 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PUBLICATION OF NOTICE TO NON-RESIDENT, NON-CONSENTING NATURAL PARENT OF MINOR CHILD IN ADOPTION PROCEEDINGS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3038 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3038. The order shall direct the publication to be made in a newspaper or newspapers suitable for the advertisement of notices of judicial proceedings once in each week for not less than four successive weeks as the court in its discretion may prescribe, the last publication to be not less than twenty-one days prior to the time appointed for the hearing of the petition. In case the residence of the non-consenting parent is known, the judge shall, in addition to the publication, direct a copy of the summons and petition to be forthwith deposited in the post office, addressed to the parent at the place of residence. When publication is ordered personal service of a copy of the summons and petition out of the territory shall be equivalent to publication and deposit in the post office. In either case, the service of the summons shall be deemed complete at the expiration of the time prescribed by the order of publication."

SECTION 2. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 75

[H. B. No. 1701]

AN ACT TO PROVIDE AND FURNISH MEDICAL, SURGICAL AND HOSPITAL SERVICES AND SUPPLIES TO POLICE OFFICERS AND FIREMEN INJURED IN THE PERFORMANCE OF THEIR DUTY.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Whenever any employee of the police department or fire department of the City and County of Honolulu, not otherwise provided for under Chapter 209 of the Revised Laws of Hawaii 1925, as amended, receives personal injury by accident arising out of/and in the performance of his duty, and without negligence on his part, the board of supervisors of the City and County of Honolulu shall provide and furnish such medical, surgical and hospital services and supplies as the nature of the injury may require, provided, however, that any employee may decline such care or treatment and provide other care or treatment for himself at his own expense, and such injured employee shall further be continued on the payroll of his respective department at sixty per centum (60%) of his regular monthly salary during the period of his total disability from work.

SECTION 2. The direction of medical, surgical and hospital care of injured employees of the City and County of Honolulu required under the foregoing section, shall be in the control and management of the city and county physician, and all charges for such medical, surgical and hospital services and supplies shall be incurred by/or under the direction of the city and county physician.

SECTION 3. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 76

[H. B. No. 217]

AN ACT TO PROVIDE FOR THE INCREASE OF THE SALARIES OF THE JUDGES OF THE SECOND, THIRD, FOURTH AND FIFTH CIRCUIT COURTS OF THE TERRITORY OF HAWAII, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay, upon warrants issued by the auditor of the territory to each of the judges of the second, third, fourth and fifth circuit courts of the Territory of Hawaii, the following sums, beginning with the month of July, 1931, up to and including the month of June, 1933: to each of the judges of the second, third, fourth and fifth circuit courts of the Territory of Hawaii, a sum at the end of each month, which together with the amount receivable by him for that month as salary from the government of the United States, shall total six hundred and twenty-five dollars (\$625.00) per month, it being the intention hereby to provide for each of the aforesaid circuit judges an annual salary of seven thousand five hundred dollars (\$7,500.00), including such amounts as are or shall be payable to each of them as salary by the government of the United States, and all such sums as are or may become necessary to that end are hereby appropriated from the general revenues of the Territory of Hawaii.

SECTION 2. This Act shall take effect upon its approval.

Approved this 14th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 77

[S. B. No. 33]

AN ACT TO AMEND SECTIONS 3033, 3044 AND 3045 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PARENTS AND CHILDREN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3033 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3033. Natural Guardian. The father and mother of an unmarried minor child are jointly the natural guardians of its person and property. They shall have equal powers and duties with respect to it and neither shall have any right superior to that of the other concerning its custody or control or any other matter affecting it; provided, that, if either parent dies or abandons his or her family or is incapable for any reason to act as guardian, the guardianship devolves upon the other parent, and that, when the parents live apart, the court may award the guardianship to either of them, having special regard to the interests of the child; the father and mother of unmarried minor children shall jointly and severally be liable in damages for tortious acts committed by said children, and shall be jointly and/or severally entitled to prosecute and defend all actions in law or in equity in which such children or their individual property may be concerned."

SECTION 2. Section 3044 of said Revised Laws is hereby amended to read as follows:

"Sec. 3044. Duty of children. It shall be the duty of all children during their minority to obey the lawful and moral commands of their parents, or, if adopted as by law allowed, the lawful and moral commands of the parents by adoption, or in default of natural or adopted parents, the lawful and moral commands of the guardians appointed according to law."

SECTION 3. Section 3045 of said Revised Laws is hereby amended to read as follows:

"Sec. 3045. Parents' control and duties; binding out of children by judge. Parents, or, in case they be both dead, guardians, legally appointed, shall have control over the actions, the conduct and the education of their children during their minority; they shall have the right, at all times, to recover possession of their children by habeas corpus, and to chastise them moderately for their good; and it shall be the duty of all parents and guardians to set a good example before their children; to provide, to the best

of their ability, for their support and education; to see that they are instructed in a knowledge of religion; to use their best endeavors to keep them from idleness and vice of all kinds; and to inculcate upon them habits of industry, economy and loyalty; and it shall be lawful for any judge of any circuit court of the Territory, on a complaint being laid before him against any parent, that he or she is encouraging their children in ignorance and vice, to summon such parent before him; and, upon its being proved to his satisfaction, to bind out such children during their minority, to some person of good moral character, to be well supported, trained to good habits, and taught at least the rudiments of knowledge."

SECTION 4. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 78

[H. B. No. 120]

AN ACT TO AMEND CHAPTER 189 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO CORPORATIONS, BY AMENDING SECTIONS 3333, 3347, 3368 AND 3372.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3333 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3333. Name. No corporation shall take a name (whether of a person or not) identical with the name of any corporation or copartnership previously authorized to do business and doing business under the laws of the territory or with any trade name previously registered under the laws of the territory or so nearly similar thereto as to lead to confusion and uncertainty.

"The articles of association of any proposed corporation having a name in violation of the provisions hereof shall not be recorded by the treasurer."

SECTION 2. Section 3347 of said Revised Laws is hereby amended to read as follows:

"Sec. 3347. Certificates; form. Every certificate of stock hereafter issued by any corporation shall plainly state the par value

of such stock; the amount thereof paid in; the amount of authorized capital; and, if two or more classes of stock are authorized, the par value and number of shares of each class and the amount of each class authorized."

SECTION 3. Section 3368, as amended, of said Revised Laws, is hereby further amended to read as follows:

"Sec. 3368. Certificate on increase of capital, filed with treasurer. No increase or extension of the capital stock of any corporation organized under the laws of the territory, having authority under its articles of association or charter to increase its capital stock, shall be legal and effective unless a certificate shall have first been filed with the treasurer, signed by the president or other duly authorized officer and secretary of the corporation, showing (1) the present authorized capital stock of the corporation; (2) the amount to which the capital stock thereof may be increased or extended under its articles of association or charter; (3) the amount of increase or extension of the capital stock duly authorized by its stockholders; and (4) that ten per cent of the total authorized stock, as increased, has been paid in, or the corporation holds property of a value equal to ten per cent of such increased capital; which certificate shall be accompanied by payment of the fee required to be paid upon the amount of increase so authorized. The treasurer shall not receive or file any such certificate without such payment."

SECTION 4. Section 3372, as amended, of said Revised Laws is hereby further amended to read as follows:

"Sec. 3372. Proceedings after. Upon the annulment of the charter of any corporation, or upon its dissolution by expiration of its charter, or otherwise, unless other persons shall be appointed by the legislature, the treasurer, or by some court of competent authority, the directors or managers of the corporation, by whatever name known in law, shall be trustees for the creditors and stockholders, with full powers to settle the affairs of the corporation. Under the name of trustees of the corporation, they may, by suit or otherwise, collect and pay the outstanding debts, and divide among the stockholders the moneys and other properties that shall remain after payment of the debts and necessary expenses. And they shall be jointly and severally liable to the creditors and to the stockholders to the extent of the corporation property which shall come into their hands.

"The trustees shall forthwith advertise, once in each of four successive weeks, in some newspaper of general circulation published in the territory, in the same language or languages as theretofore required by the treasurer with respect to the publication of

notice of dissolution under Section 3370, a notice to all creditors of the corporation to present their claims, at a place to be designated in the notice, within ninety days from the first publication of the notice. All claims not so presented shall be forever barred.

"Trustees for corporations dissolved in accordance with Section 3371, shall be entitled to a commission of not to exceed five per cent on all collections made by them."

SECTION 5. This Act shall take effect from and after the date of its approval.

Approved this 15th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 79

[H. B. No. 160]

AN ACT TO AMEND SECTION 2 OF ACT 161, SESSION LAWS OF 1927, RELATING TO PROVIDING FOR INDIGENT RELIEF, SPECIFYING BENEFICIARIES AND MAKING APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of Act 161, Session Laws of 1927, is hereby amended to read as follows:

"Section 2. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay such sums of money as from time to time may be necessary for the funeral expenses of indigent members of the 'Veterans Hawaii Guard 1893-1898', upon warrants issued by the auditor of the Territory of Hawaii upon vouchers signed by the majority of the executive officers of said Veterans Guard; such expense shall, however, in no individual case exceed the sum of one hundred and twenty-five dollars (\$125.00)."

SECTION 2. This Act shall take effect on the date of its approval.

Approved this 15th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 80

[S. B. No. 28]

AN ACT TO AMEND SECTION 1264 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE TERRITORIAL INSURANCE FUND.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 1264 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1264. Appropriation of fund. The 'Territorial Insurance Fund', or as much thereof as may be necessary, is appropriated and shall, with the approval of the governor, be expended by the head of the proper department to repair or replace any building and other property of the Territory, including all public school buildings and property, whether on land owned by the Territory or any county or city and county, that may be injured or destroyed by fire or other casualty, or to pay any claims against the Territory which may be found to be due under Chapter 209.

"The department head may, with the approval of the governor, designate the type of construction to be used in replacing the destroyed structure; provided, however, the cost thereof shall not exceed by more than twenty-five per cent (25%) the actual cost of such destroyed structure or the estimated cost of reproducing an identical structure, whichever may be greater."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 15th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 81

[S. B. No. 30]

AN ACT APPROPRIATING THE SUM OF FOUR THOUSAND DOLLARS (\$4,000.00) FOR THE PURCHASE OF A PARCEL OF LAND ON WHICH HALAI HILL TRIANGULATION STATION IS SITUATE AT HILO, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of four thousand dollars (\$4,000.00) is hereby appropriated from the general revenues of the Territory of Hawaii, not otherwise appropriated for the purchase by the commissioner of public lands of 3.8 acres of land at South Hilo, Hawaii, from the Halai Hill Land Company, Limited, to be used as the Halai Hill Triangulation Station Reservation.

SECTION 2. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 82

[S. B. No. 44]

AN ACT APPROPRIATING THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR THE CONSTRUCTION OF ROADS WITHIN THE KAHAULOA HOUSE LOTS TRACT, SOUTH KONA, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of one thousand dollars (\$1,000.00), or so much thereof as may be necessary, is hereby appropriated out of moneys now in the treasury of the Territory of Hawaii received from the sale of residence lots in the Waiakea Residence Lots Tract, for the construction of roads within the Kahauloa House Lots Tract, South Kona, Hawaii.

SECTION 2. The sum hereby appropriated shall be disbursed upon warrants drawn by the territorial auditor, based upon vouchers approved by the commissioner of public lands, who shall construct said roads by contract with or through the board of supervisors of the County of Hawaii.

SECTION 3. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 83

[S. B. No. 140]

AN ACT TO AMEND SECTION 2496A OF THE REVISED LAWS OF HAWAII 1925, AS ENACTED BY ACT 40 OF THE SESSION LAWS OF 1929, RELATING TO NOTICE OF HEARING ON PETITIONS FOR APPROVAL OF FINAL ACCOUNTS, DISTRIBUTION OF ESTATES AND DISCHARGE OF EXECUTORS AND ADMINISTRATORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2496A of the Revised Laws of Hawaii 1925, as enacted by Act 40 of the Session Laws of 1929, is hereby amended to read as follows:

"Sec. 2496A. Time of hearing and notice of petitions for approval of final accounts, distribution of estates and discharge of executors and administrators. Upon the filing of a petition for approval of final accounts, distribution of estate and discharge of an executor or administrator, the judge shall fix the time of hearing thereon. Notice of the time and place of hearing on such petition shall be given by publication at least once in each of four successive weeks in such newspaper as the judge may determine, the last publication to be not less than ten days previous to the time fixed for the hearing. Provided, however, that when in the opinion of the judge the value of the estate to be distributed does not exceed one thousand dollars (\$1,000.00) and no injustice will result to anyone, he may by order shorten the time of such notice or he may by order direct that such notice be given by posting as provided in such order instead of by publication; and provided, further, that this section shall not apply to petitions by temporary administrators. Provided, further, that the notice required to be given in accordance with the provisions of Section 2484 of the Revised Laws of Hawaii 1925, as amended, may be combined with the notice required to be given under the provisions hereof."

SECTION 2. This Act shall take effect upon its approval, except as to pending petitions and as to such the laws in force prior to the effective date of this Act shall govern.

Approved this 15th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 84

[S. B. No. 166]

AN ACT MAKING AN ADDITIONAL APPROPRIATION TO COVER THE EXPENSES OF MAINTAINING THE PRISON CAMP AT OLINDA, COUNTY OF MAUI, WHERE PRISONERS ARE DETAILED TO COMBAT THE GORSE PLANT PEST (COMMON FURZ).

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of ten thousand dollars (\$10,000.00), in addition to the appropriation made by Act 62 of the Session Laws of 1927, is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, to cover the expenses of maintaining the prison camp at Olinda, County of Maui, where prisoners are detailed to combat the gorse plant pest (common furz) in the County of Maui.

SECTION 2. The moneys hereby appropriated shall be expended under and pursuant to the provisions of Act 62 of the Session Laws of 1927.

SECTION 3. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 85

[H. B. No. 128]

AN ACT AUTHORIZING AND DIRECTING THE BOARDS OF SUPERVISORS OF THE SEVERAL COUNTIES AND CITY AND COUNTY TO REGULATE THE OPERATION OF PUBLIC DANCE HOUSES BY ORDINANCE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The boards of supervisors of the several counties and city and county are hereby authorized and directed to regulate, by ordinance, public dance houses under such restrictions as they may prescribe.

SECTION 2. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 86

[H. B. No. 288]

AN ACT TO PROVIDE FOR THE EXPENSES OF THE LAHAINALUNA CENTENNIAL CELEBRATION AT LAHAINA, MAUI, IN JUNE, 1931.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twenty-five hundred dollars (\$2,500.00) or so much thereof as shall be necessary is hereby appropriated out of any money in the treasury of the Territory of Hawaii not otherwise appropriated, for the payment of expenses in connection with the Lahainaluna Centennial Celebration to be held at Lahaina, Maui, in June, 1931, in commemoration of the one hundredth anniversary of the founding of Lahainaluna.

SECTION 2. The aforesaid sum, or so much thereof as may be necessary, shall be disbursed on warrants drawn by the auditor based upon vouchers approved by a commission of three members to be known as the Lahainaluna Centennial Committee which shall be appointed by the Governor.

SECTION 3. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 87

[S. B. No. 164]

AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR TRANSPORTATION AND HOUSING PRISONERS AND THE PURCHASE OF TOOLS AND EQUIPMENT FOR LABOR AND USE ON THE WAIAKEA AIRPORT, HILO, HAWAII, OR AT ANY OTHER PLACE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of ten thousand dollars (\$10,000.00), in addition to the appropriation made by Act 277 of the Session Laws of 1927 and Act 129 of the Session Laws of 1929, is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii to cover the expenses of transportation and properly hous-

ing prisoners as may be detailed, pursuant to Section 1523 of the Revised Laws of Hawaii 1925, in the District of South Hilo, County of Hawaii, and for the development and improvement of said airport and for purchase of necessary tools and appliances for that purpose, and for transportation and proper housing of prisoners as may be detailed for labor upon a public project at any other place and for the purchase of necessary tools and appliances for such project.

SECTION 2. The moneys hereby appropriated shall be expended under and pursuant to the provisions of Act 277 of the Session Laws of 1927.

SECTION 3. This Act shall take effect upon its approval.

Approved this 15th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 88

[S., B. No. 45]

AN ACT CREATING A DEPARTMENT OF PUBLIC WORKS FOR THE COUNTY OF KAUAI, AND PRESCRIBING ITS POWERS, DUTIES AND FUNCTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Department created; powers, duties and functions. There is hereby created a Department of Public Works of the County of Kauai. Said department shall have and exercise, and there are hereby transferred to and conferred and imposed upon it, all of the powers, duties and functions now held, enjoyed or performed by, or conferred or imposed upon, the county engineer of said county and any other officers or employees of said county now exercising or performing any powers and functions relating to any of the matters hereinafter next mentioned, and said department shall have charge of, and shall administer and superintend the performance of, all county matters in said county, of, or relating to, engineering, public construction, public improvements, building operations and inspections, and public works, and the repair and maintenance of public buildings and other public improvements and of public works.

SECTION 2. County engineer. Said department shall be in charge of a registered professional engineer of recognized standing and ability, who shall be known as the county engineer, shall be appointed and be removable by the chairman of the board of supervisors of said county by and with the consent of said board, shall receive a salary of six thousand dollars (\$6,000.00) per annum from said county, and shall be vested, with, and have, enjoy, perform and be subject to, all the powers, functions, duties and liabilities conferred or imposed upon said department by this Act, and such further powers, duties and functions as shall be prescribed by said board of supervisors.

SECTION 3. Deputies, assistants and employees. The said county engineer shall appoint or engage and may remove such deputies, assistants and employees, and at such compensation, as said board of supervisors may authorize, and said deputies, assistants and employees shall discharge any of the duties pertaining to said department as said engineer shall assign to them; said county engineer, with the approval of said board, may also appoint, in writing, any deputy, assistant or employee in his department—or, in case no competent person is so available, any competent person at such compensation as the board may authorize—to serve as acting county engineer during his temporary illness, incapacity, or absence from said county, for whose acts said county engineer shall be responsible, and such appointee shall, during such temporary illness, incapacity or absence of said county engineer, have and exercise all the powers, duties and functions of said engineer, subject to the direction and control of said engineer; provided, however, that any deputy, assistant or employee in said department so appointed as acting county engineer shall serve as such without additional compensation.

SECTION 4. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 89

[S. B. No. 47]

AN ACT CREATING A BUREAU OF WATERWORKS FOR THE COUNTY OF KAUAI, PRESCRIBING ITS POWERS, DUTIES AND FUNCTIONS, AND PROVIDING FOR THE DISPOSITION OF ITS REVENUES.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Definitions. Wherever used in this Act, the following terms shall have the following respective meanings:

“County” shall mean and refer to the County of Kauai.

“Board” shall mean and refer to the Board of Supervisors of said County.

“Bureau” shall mean and refer to the Kauai Waterworks Bureau, created by this Act.

“Waterworks” shall mean and refer to all property placed under the control or management of said Bureau by this Act and any other property which may in the future be placed under the control of said Bureau under the terms of this Act.

SECTION 2. Bureau created; powers and duties. There is hereby created in and for the County of Kauai a separate bureau of the Department of Public Works of said county, to be known as the “Kauai Waterworks Bureau”, which, subject to the general powers and control of the Board over said bureau and waterworks, shall have general charge of, and control over, and shall administer, all property and equipment now comprising, or which may in the future comprise, the waterworks and water system or systems, owned or controlled by the county supplying said county or any portion thereof with water and/or water power, and the management, operation, maintenance, extension and improvement of said waterworks, and the expenditure and collection of all moneys on account thereof or accruing therefrom. Said bureau shall also have such additional powers and duties as the Board by ordinance shall prescribe.

SECTION 3. County Engineer is bureau head; deputies, assistants and employees. The County Engineer of said county shall be the head of said bureau, and shall appoint and engage and may remove such deputies, assistants and employees, and at such compensation, as the Board may authorize, and said deputies, assistants and employees shall discharge any of the duties pertaining to said bureau as said engineer shall assign to them.

SECTION 4. All water to be charged for. Rates shall be charged for all water and water power furnished by said bureau.

whether to the United States, the Territory or the County, or to vessels, corporations or other persons, except as otherwise required by or under contracts made prior to the passage of this Act.

SECTION 5. County to maintain waterworks and make up deficits. It shall be the duty of said county to provide for the operation and maintenance of said bureau and of said waterworks, and to pay to the Territory out of the general revenues of said county, from time to time when due, the amounts of any deficiencies which may occur in the payments to the Territory provided for by Section 8 of this Act.

SECTION 6. Powers of Board of Supervisors. The Board shall have power, by ordinance, to fix rates for water and water privileges; to provide for the enforcement of the payment of such rates, with interest, if delinquent; to prescribe methods of measuring water and water power; and to make such general regulations for the conduct of said bureau and waterworks, and of persons dealing with said bureau, as shall be in the public interest and not inconsistent with this Act. Except as changed by this Act, the general powers of the Board with respect to the acquisition, creation, maintenance and operation of waterworks shall remain unimpaired.

SECTION 7. Settlement of disputes. All disputes as to water rates to be charged, the right to connect with water mains, and all other disputes arising under the provisions of this Act, may be referred to the Judge of the Circuit Court of the Fifth Judicial Circuit at Chambers, and such Judge shall have full power to consider and decide the same and make all proper orders in relation thereto, which shall be final.

SECTION 8. Disposition of revenues. All revenues derived from said waterworks shall be paid into the treasury of the county as a special fund to be expended for the following purposes: (1) the operation and maintenance of said waterworks; (2) the payment of interest due the Territory on account of bonds issued by the Territory, the proceeds of which shall have been expended or allotted for said waterworks; (3) the payment of the annual sinking fund installments due the Territory for the redemption of bonds issued by the Territory, the proceeds of which shall have been expended or allotted for said waterworks; and (4) the improvement and extension of said waterworks.

The amounts payable by said county to the Territory for any calendar year for the purposes of subdivisions (2) and (3) of the first paragraph of this section shall be deducted by the Territorial Treasurer, in fixing the amount to be raised by taxation for such year in said county for the purposes of subdivision 4 of Section

1315 of the Revised Laws of Hawaii 1925, as amended, from the tax rate calculations for said subdivision 4 for said year for said county; and one-half of the amounts so deducted for such year shall be paid by the county to the Territory on or before the 20th day of June of such year, and the remaining one-half of said amounts shall be paid by the county to the Territory on or before the 15th day of November of such year.

All amounts so payable to the Territory shall be paid to the Treasurer of the Territory, when due, upon vouchers duly approved by said Treasurer, and all such sums received shall be deposited in the General Fund of the Territory. All amounts so paid shall be duly credited to said county in the same manner as in the case of amounts collected from said county under said subdivision 4 of said Section 1315, as amended.

Provided, however, that if any installment of said interest and sinking fund so payable by said county, or any portion thereof, shall not be so paid when due, the Territorial Treasurer shall withhold from any other tax or other monies payable to said county for such year an amount sufficient to cover such installment or unpaid portion thereof, and shall apply the same in the same manner as payments made by said county for the aforesaid purposes, reimbursing said county for the amount so withheld out of any monies which may be paid to said Treasurer thereafter during such year out of said special fund on account of such installment or unpaid portion thereof.

SECTION 9. This Act shall take effect on January 1, 1932.

Approved this 16th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 90

[S. B. No. 99]

AN ACT AUTHORIZING THE HAWAIIAN HOMES COMMISSION TO PAY THE CLAIM OF RUDOLPH M. DUNCAN FOR BALANCE OF SALARY DUE HIM FOR SERVICES AS EXECUTIVE OFFICER AND SECRETARY OF SAID COMMISSION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Hawaiian Homes Commission is hereby authorized to pay, out of the Hawaiian Home Loan Fund, the sum of one thousand four hundred eighty-one and 93/100ths dol-

lars (\$1,481.93) to Rudolph M. Duncan in full settlement of his claim for balance of salary due him as executive officer and secretary of said commission for the period from September 23, 1923, to and including December 31, 1923.

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 91

[S. B. No. 160]

AN ACT RELATING TO THE ISSUANCE OF CORPORATION STOCK CERTIFICATES IN PLACE OF CERTIFICATES LOST OR DESTROYED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever a certificate of shares of stock in a corporation organized under the laws of the Territory of Hawaii has been lost or destroyed, the owner thereof may file a suit in equity in the judicial circuit wherein such corporation has its principal office or place of business, for the purpose of obtaining a new or duplicate certificate. A certificate that has been stolen shall be deemed lost. If by the books of the corporation the stock stands in the name of a person other than the petitioner, or if by such books it appears or it is otherwise known to the petitioner that some other person has or claims to have some right, title, or interest in, or lien upon, such stock, all such persons must be made parties respondent with the corporation. Summons must be issued and served as in other cases in equity, and in addition thereto the court shall direct its clerk to issue and cause to be published, at least once in each of four successive weeks, in some newspaper published in said circuit, a notice setting forth the pendency of the action, the names of the parties thereto, the court in which it is pending, the name of the corporation issuing the stock, the number of the certificate and the number of the shares, the name of the person mentioned as stockholder in the certificate, and notifying all persons claiming said shares, or any of them, or any interest or lien therein or thereupon, to be and appear before the court at a time and place to be designated in the notice not less than thirty days from the first publication thereof, then and there to show cause why a new certificate should not be directed to be issued in

lieu thereof, and to set forth their rights in or claim to such shares.

If any person appears and answers or intervenes in the suit, it shall proceed to trial as in other equity cases. If no person appears within the time designated in such notice, or within the time allowed by law after the service of such summons, the court shall nevertheless hear such evidence as may be offered in support of the allegations of the petition. In either case the court shall enter such order or decree as to it shall seem proper. If the court, in either case, is satisfied that the petitioner is the lawful owner of the shares involved and that the certificate therefor has been lost or destroyed, and cannot after due diligence be found, and that sufficient cause has been shown why a new certificate should be issued, it may in its order or decree require the corporation, within such time as shall be therein designated, upon payment to it of all costs and expenses incurred by it in the premises and without costs against the corporation, to cancel the outstanding certificate and issue a new certificate in lieu thereof, upon condition that the owner shall first deposit with the corporation such security or indemnity as the court shall require, for the use and benefit of and to indemnify any person other than the petitioner who may within two years thereafter establish his lawful ownership of the certificate cancelled as aforesaid. The court may also require the publication of such notice, either before or after making such order or decree, as it may deem proper. Upon the corporation complying with said order or decree it shall be forever discharged from all liability on account of the certificate so cancelled, and any person thereafter claiming any right to or interest in or under the cancelled stock certificate shall have recourse only to such security or indemnity. If no such claim shall be sued upon within two years after the date said security or indemnity shall have been furnished as aforesaid it shall be forever barred.

SECTION 2. This Act shall take effect upon its approval.

Approved this 16th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 92

[H. B. No. 243]

AN ACT FOR THE RELIEF OF ANTONE C. NUNES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of eight hundred and twenty-two dollars (\$822.00) is hereby appropriated from the general funds of the Territory of Hawaii for the payment of Antone C. Nunes for damages as the result of the loss of his finger while engaged in the performance of his duties at the Territorial Insane Asylum.

SECTION 2. The said sum of eight hundred and twenty-two dollars (\$822.00) hereby appropriated shall be paid by the treasurer of the territory upon a warrant drawn by the auditor upon the signing by the said Antone C. Nunes of a proper voucher for said claim.

SECTION 3. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 93

[H. B. No. 252]

AN ACT TO AMEND CHAPTER 209 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTION 3624 THEREOF, RELATING TO WORKMEN'S COMPENSATION LAW.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3624 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3624. Notice of injury and claim for compensation. No proceedings under this chapter for compensation for an injury shall be maintained unless a notice of the injury shall have been given to the employer as soon as practicable after the happening thereof, and unless a claim for compensation with respect to the injury shall have been made within three months after the date of the injury, or in case of death, then within three months after the death, whether or not a claim had been made by the employee himself for compensation. The notice and claim may be given or

made by any person claiming to be entitled to compensation or by some one on his behalf. If medical, surgical or hospital services and supplies have been provided voluntarily by the employer or his insurance carrier, or when an employer makes a report to the board and/or his insurance carrier of any injury received by any employee of such employer, the giving of a notice of the injury within the aforesaid period shall not be required, and if payments of compensation shall have been made voluntarily by the employer or his insurance carrier, the making of a claim within the aforesaid periods shall not be required."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 94

[H. B. No. 313]

AN ACT TO AMEND SECTION 1696 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO FIRE DEPARTMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1696 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 1696. Appointment of chief engineer and assistants. The board of supervisors of each county shall have the power to provide and prescribe, by ordinance, for the organization, including the designation of the power and manner of appointment of the chief engineer, assistants and members, of the fire department in any town or towns in said county."

SECTION 2. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 95

[H. B. No. 323]

AN ACT TO AMEND SECTIONS 6, 7 AND 12 OF THE HAWAII FEDERAL AID HIGHWAY ACT RELATING TO FEDERAL AID FOR HIGHWAYS IN THE TERRITORY OF HAWAII.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 6 of the Hawaii Federal Aid Highway Act (Act 78 of the Session Laws of 1925, as amended by Act 53 of the Session Laws of 1929), is hereby amended to read as follows:

"Section 6. Whenever, after April 24, 1925, appropriations shall be made by the legislature of the territory for the construction or reconstruction of any highway or portion thereof, the territorial highway engineer, in the absence of any provisions to the contrary in the Act making such appropriation or in any other territorial laws applicable thereto, and in case such highway be eligible for federal aid and he shall deem such course advisable, shall have power, subject to the approval of the secretary, to construct such highway as a federal aid project and to contract for the same in accordance with the provisions of this Act and of the Federal Highway Act. If any appropriation made by the legislature of the territory after April 24, 1925, for the construction or reconstruction of any highway or any portion thereof shall be required by the Act making such appropriation to be expended by the board of supervisors of a particular county, the territorial highway engineer shall have power, in the absence of any specific provision to the contrary in the Act making such appropriation, subject to the approval of the governor of the territory to designate such highway as a federal aid project; and it shall be mandatory upon such board of supervisors, upon such designation, to place such appropriation in the control and at the disposal of the territorial highway engineer for the purpose of constructing such highway or portion thereof as a federal aid project, and the territorial highway engineer shall proceed to construct such highway as a federal aid project and to contract for the same in accordance with the provisions of this Act and of the Federal Highway Act."

SECTION 2. Section 7 of said Act is hereby amended to read as follows:

"Section 7. The board of supervisors of any county shall have power, by resolution adopted in the manner required by law relating to resolutions involving the expenditure of public money, to place under the control and at the disposal of the territorial highway engineer any funds of such county expendable for construc-

tion or reconstruction of highways within such county for the purpose of securing or attempting to secure federal aid for the construction and/or reconstruction, as a federal aid project, of any highway or portion thereof eligible for federal aid within such county. And it shall be the duty of such board, whenever an appropriation for the construction of any highway or portion thereof lying within the system or systems of highways eligible for federal aid, as designated from time to time by the governor of the territory and the secretary under the provisions of the Federal Highway Act, as amended, is made by it, by resolution to place such appropriation under the control of the territorial highway engineer for the purpose of constructing such highway or portion thereof as a federal aid project."

SECTION 3. Section 12 of said Act is hereby amended to read as follows:

"Section 12. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated out of the general revenues of the territory as a special revolving fund to be known as the highway maintenance contingent fund. Moneys in such fund shall be expendable by the territorial highway engineer for the maintenance of any highway in the territory upon which federal aid funds have been expended, whenever there are insufficient moneys for such purpose in the special revolving fund, provided for by Section 10 of this Act, for the county within which such highway is situated. All sums so expended shall be repaid into said highway maintenance contingent fund out of such special revolving fund for such county whenever there shall be sufficient moneys therein for such purpose. Should there be insufficient moneys in such special revolving fund for such county on the first day of December in any year, or at such later date as the estimate hereinafter mentioned shall be prepared, to reimburse the highway maintenance contingent fund for moneys so expended, the territorial highway engineer shall include the amount of such deficiency in the estimate of the amount required of such county for the succeeding calendar year submitted by him to the board of supervisors of such county under the provisions of Section 9 of this Act."

SECTION 4. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 96

[H. B. No. 342]

AN ACT PROVIDING FOR THE PAYMENT OF EXPENSES INCURRED BY MEMBERS OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI IN THE PERFORMANCE OF THEIR DUTIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Members of the board of supervisors of the County of Maui who shall hereafter travel within said county under the authorization of said board may be reimbursed for expenses necessarily incurred by them, together with mileage at the rate not to exceed twenty cents (20¢) per mile, each way, for each mile necessarily traveled by any such member, such reimbursement to be made by the treasurer of said county, upon warrants issued by the auditor, based upon vouchers approved by said board.

SECTION 2. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 97

[S. B. No. 51]

AN ACT TO ABOLISH THE DEPARTMENT OF IMMIGRATION, LABOR AND STATISTICS, TO REPEAL CHAPTER 58 OF THE REVISED LAWS OF HAWAII 1925, TO TRANSFER THE IMMIGRATION SPECIAL FUND TO THE GENERAL FUND, AND TO CONFER UPON THE SECRETARY OF THE TERRITORY CERTAIN POWERS AND DUTIES THERETO APPERTAINING.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The Department of Immigration, Labor and Statistics created pursuant to the provisions of Chapter 58 of the Revised Laws of Hawaii 1925, is hereby abolished.

SECTION 2. Transfer of general powers to the Secretary of the Territory. All powers and duties as herein set forth in Section 3 exercisable by the Department of Immigration, Labor and Statistics, pursuant to Chapter 58 of the Revised Laws of Hawaii 1925, are hereby transferred to and conferred upon the Secretary of the Territory.

SECTION 3. Secretary of the Territory, powers and duties exercisable by him. It shall be the duty of the Secretary of the Territory at such time or times as may be deemed desirable by him, to make full inquiry, examination and investigation into the condition, welfare and industrial opportunities of all immigrants and settlers arriving or residing within the Territory. He may also collect information with respect to the need and demand for labor by the several agricultural, industrial and other productive activities throughout the Territory; gather information with respect to the supply of labor afforded by such immigrants and settlers as shall from time to time arrive or be within the Territory; ascertain the occupations for which such persons may be best adapted and bring about inter-communication between them and those requiring labor; investigate the treatment accorded them; cooperate with public and philanthropic agencies designed to aid in the distribution and employment of labor, and devise and carry out such other suitable methods as will tend to prevent or relieve unemployment.

SECTION 4. All moneys contained in the Immigration Special Fund are hereby transferred to the General Fund of the Territory.

SECTION 5. Chapter 58 of the Revised Laws of Hawaii 1925, and all other laws and/or parts of laws inconsistent herewith are hereby repealed.

SECTION 6. This Act shall take effect from and after the date of its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 98

[S. B. No. 105]

AN ACT FOR THE RELIEF OF WILLIAM H. TILLEY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated, out of the general revenues of the Territory of Hawaii, the sum of one thousand four hundred seventy-seven and 50/100 dollars (\$1,477.50), to be paid to William H. Tilley as and for reimbursement to him for expenses incurred and injury sustained while engaged in a sham battle of the 298th Infantry, National Guard of Hawaii.

SECTION 2. The auditor of the Territory of Hawaii is hereby authorized and directed to draw a warrant on the treasurer of the Territory of Hawaii payable to William H. Tilley for the sum of one thousand four hundred seventy-seven and 50/100 dollars (\$1,477.50) and deliver said warrant to the said William H. Tilley.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 99

[S. B. No. 131]

AN ACT TO AMEND SECTION 2132 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO SALARIES AND EXPENSES OF CIRCUIT COURTS AND COURT OFFICERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2132 of the Revised Laws of Hawaii 1925, as amended by Acts 137 and 272 of the Session Laws of 1925, Act 200 of the Session Laws of 1927, and Act 239 of the Session Laws of 1929, is hereby amended by amending that certain paragraph thereof entitled "FIFTH CIRCUIT COURT", to read as follows:

"FIFTH CIRCUIT COURT

	Per Month	Per Annum
Clerk	\$225.00	\$2,700.00
Deputy Clerk	175.00	2,100.00
Court Reporter, Librarian and Assistant Clerk	225.00	2,700.00
Bailiff	125.00	1,500.00
Court Expenses		8,500.00
Support Juvenile Court Dependents.....		2,000.00
Probation officer	175.00	2,100.00
Expenses Probation Officer.....		720.00
Law Books		850.00"

SECTION 2. This Act shall take effect and be in force from and after July 1, 1931.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 100

[S. B. No. 143]

AN ACT TO AMEND SECTION 1288 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE APPOINTMENT AND REMOVAL OF DEPUTY TAX ASSESSORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1288 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1288. Deputies, appointment, removal; district tax offices. Each assessor shall appoint, and at his pleasure remove, as many deputies as in his opinion, with the concurrence of the treasurer, may be required to properly perform the duties of the assessing and collecting of taxes; provided, however, that there shall be at least one deputy for each district in each taxation division, who shall be required to maintain therein a district tax office with complete records pertaining to the assessment of properties and the collection of all taxes in said district; to keep the said office open and its records available to the public and to attend such office at all times during regular office hours."

SECTION 2. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 101

[S. B. No. 146]

AN ACT RELATING TO FENCES, CONFERRING JURISDICTION ON CIRCUIT JUDGES, AND REPEALING CHAPTER 49 OF THE RE- VISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Any person or persons owning land in this Territory who desire to fence their land, or who, having fenced their land, desire to provide for the maintenance of the fence, may file a petition with the circuit judge of the circuit within which the land is situated praying for the hearing and determination of the matter. Such petition shall designate the land of the petitioner by name or description, the location thereof, the boundary or boundaries desired to be fenced or the fence desired to be maintained, and shall designate the adjoining land or lands and state the name or names of the owner or owners thereof. Upon the filing of such petition, summons shall issue to the adjoining owners as in other proceedings before circuit judges at chambers.

SECTION 2. The circuit judges shall have jurisdiction within their respective circuits to hear and determine all controversies respecting the fencing of land and the maintenance of fences in accordance with the provisions of this Act.

SECTION 3. At the time set for the hearing of such petition the judge and the parties shall view the line of fence or proposed fence, and the judge shall decide equitably on the kind of fence to be built or maintained, the portion to be erected or maintained by the respective landowners or the share which each shall contribute to the cost thereof, specifying the time within which the work shall be done and deciding all disputes which shall arise between the parties concerning the same, and shall thereupon enter a decree. In case any party shall neglect or refuse to build or maintain the portion of the fence assigned to him to build or maintain or to pay his share of the cost thereof in accordance with the decree, the judge upon application therefor by the party aggrieved may direct compliance with the decree at the expense of the defaulting party and enter judgment for the amount thereof, or for the part of the cost thereof if the work has been done, and issue execution therefor, or may enforce compliance with the decree by other appropriate proceedings.

SECTION 4. In case the judge shall find it to be inexpedient to establish a fence between adjoining lands, either because of the nature or situation of the lands, the scarcity of fencing materials,

or the conflicting rights of the landowners, he may, if the lands be grazing lands, in lieu of fencing, decide how many animals each owner shall be at liberty to pasture upon his land under a penalty to be specified in the decree.

SECTION 5. Any party aggrieved by the decree of the judge may appeal therefrom to the supreme court in the manner provided in Section 2509.

SECTION 6. This Act shall not be so construed as to allow any person owning land adjoining government land to compel the government to join in the cost of erecting a fence on the boundary line between such lands. But the government or any lessee of government land, with the consent of the governor, shall have the same right herein accorded to other landowners to compel action according to the provisions of this Act by any person owning land adjoining such government land, or by any lessee of adjoining government land.

SECTION 7. Chapter 49 of the Revised Laws of Hawaii 1925, is hereby repealed, provided that this Act shall not affect any proceeding now pending before any fence commissioners pursuant to said chapter.

SECTION 8. This Act shall take effect upon its approval, except as provided in Section 7.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 102

[S. B. No. 130]

AN ACT FOR THE RELIEF OF HELEN N. ROSA IN CONNECTION WITH CERTAIN TAXES ILLEGALLY ASSESSED AND COLLECTED FROM HER.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory is hereby authorized and directed to pay to Helen N. Rosa, out of real and personal property tax moneys collected in the first taxation division, the sum of thirty-six and 76/100 dollars (\$36.76) for the purpose of reimbursing her for taxes illegally assessed and collected upon certain real property not owned by her, the same being described in R. P. 6480:2 L.C.A. 2509 and containing an area of 2.78 acres.

SECTION 2. The tax assessor of the first taxation division is hereby directed to cancel, on the books of his office, all taxes appearing therein as a charge against said Helen N. Rosa on account of the real property aforesaid.

SECTION 3. The sum directed to be paid as aforesaid shall be paid upon a warrant issued by the auditor of the Territory of Hawaii, based upon a voucher approved by the tax assessor of the first taxation division.

SECTION 4. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 103

[S. B. No. 179]

AN ACT PROVIDING FOR THE REIMBURSEMENT OF MRS. HARRIET WONG LEONG FOR TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory is hereby authorized and directed to pay to Mrs. Harriet Wong Leong, out of real and personal property tax moneys collected in the first taxation division, the sum of one hundred eighty-seven dollars and twenty-three cents (\$187.23) as reimbursement for taxes illegally collected from her.

SECTION 2. This amount shall be paid by the treasurer of the Territory upon a warrant of the auditor of the Territory based upon a voucher approved by the tax assessor of the first taxation division.

SECTION 3. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 104

[H. B. No. 198]

AN ACT TO AMEND SECTION 1618 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 143 OF THE SESSION LAWS OF 1927, AND BY ACT 234 OF THE SESSION LAWS OF 1929, RELATING TO SALARIES OF COUNTY OFFICERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1618 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended so that the items relating to the salaries of the deputy sheriffs of the Districts of Koloa, Kawaihau and Hanalei, shall read as follows:

"Deputy sheriff of the District of Koloa.....	2,400.00
"Deputy sheriff of the District of Kawaihau.....	2,400.00
"Deputy sheriff of the District of Hanalei.....	2,400.00"

SECTION 2. This Act shall take effect July 1, 1931.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 105

[H. B. No. 357]

AN ACT AUTHORIZING AND DIRECTING THE COUNTY OF KAUAI TO PAY THE CLAIMS OF SAM KAI, HARRY KEAWEHUU, FRED MILLER, KAILIULA, ABRAHAM HUDDY, MOSES POOHINA AND EDDIE GARDNER, JR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the County of Kauai is hereby authorized, empowered and directed to pay out of any moneys available in said county, the following amounts to the following named persons, for labor performed by them, viz:

Sam Kai	21 days @	\$5.00 per day	\$105.00
Harry Keaweehu	12 "	4.00 " "	48.00
Fred Miller.....	13 "	3.50 " "	45.50
Kailiula	13 "	4.00 " "	52.00
Abraham Huddy	20 "	3.00 " "	60.00
Moses Poohina.....	2 "	3.00 " "	6.00
Eddie Gardner, Jr.....	19 "	3.00 " "	57.00

SECTION 2. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 106

[H. B. No. 2]

**AN ACT AUTHORIZING THE COUNTY OF KAUAI TO ISSUE BONDS
FOR PUBLIC IMPROVEMENTS.**

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The County of Kauai is hereby authorized and empowered to issue, in accordance with the provisions of Act 272 of the Session Laws of 1927, bonds in any amount not exceeding the sum of five hundred thousand dollars (\$500,000.00), said bonds to be serial bonds maturing in substantially equal annual instalments, the first installment to mature in five years from the date of issue of such series and the last installment not later than thirty years from such date of issue, the moneys realized from said bonds so issued to be expended as follows:

[Sic]

Roads and bridges, Kauai Belt Road.....	\$350,000.00
Water Works, installations, extensions and/or improvements	150,000.00

SECTION 2. Belt road defined. For the purpose of this Act, the Kauai Belt Road shall be known as that road beginning at the Kekaha Post Office, passing through the villages of Waimea, Eleele, Koloa, Lihue, Kapaa and ending at the Hanalei Post Office. It shall also include that road generally known as the Nawiliwili Loop Road.

SECTION 3. Feasibility estimate by county engineer. Before expending the proceeds of said bonds for the construction of water works, the county engineer shall, in each case, make a definite estimate of the amount of water to be sold by the system to be improved, an estimate of the amount of revenue which will be produced thereby and an estimate of the amount of operating cost of the water works, together with the interest and redemption cost on account of bond moneys to be expended for the water works and shall thereby determine the financial feasibility of mak-

ing such improvements and shall report his findings to the board of supervisors.

SECTION 4. Principal and interest charges, how paid. All interest on and redemption of such bonds as are issued for water works purposes shall be paid from the proceeds of water sales and service and the territorial treasurer shall, in levying taxes for interest and redemption of the bonds provided for in this Act, deduct such an amount as the expenditures for water works from the proceeds of said bonds, bear to the total of such bonds so issued. In making the annual report of the county tax requirements to the territorial treasurer, the board of supervisors shall set forth such requirements in such a manner as to clearly indicate the proportion and amount of said bonds issued for road purposes and the interest and redemption requirements thereon for the ensuing year.

SECTION 5. Issues as required. Nothing herein contained shall require the issuance of bonds in the full amount authorized herein or prevent the issuance of bonds in such amount as may be required from time to time provided that the sum total of said issues shall not exceed the amount authorized herein.

SECTION 6. Federal aid. In the event that the roads of Kauai are incorporated in the federal aid highway system of Hawaii prior to the expenditure of the road appropriation provided herein, then such part of said appropriation as may be deemed desirable by the board of supervisors shall be expended to match federal aid funds allocated to the roads of the County of Kauai.

SECTION 7. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 107

[H. B. No. 3]

AN ACT AMENDING SECTION 1644 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO MEETINGS OF THE BOARD OF SUPERVISORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1644 of the Revised Laws of Hawaii 1925, shall be amended to read as follows:

"Section 1644. Meetings. The board of supervisors shall hold regular meetings for the transaction of public business beginning on the first Wednesday of each month, except in the County of Maui where the meetings shall be held on the 3rd and 15th days of each month unless either of said days shall fall upon Sunday or a legal holiday in which event said meeting shall begin on the first regular business day following said date and such meetings shall continue for as many days as the transaction of public business may require and it shall call such special meetings as may be necessary for the public welfare."

SECTION 2. This Act shall take effect upon its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 108

[H. B. No. 220]

AN ACT TO AMEND ACT 186 OF THE SESSION LAWS OF 1929,
RELATING TO INDUSTRIAL SCHOOLS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 186 of the Session Laws of 1929, is hereby amended to read as follows:

"Section 356A. The school at Waialea, in the District of Waialua, City and County of Honolulu, and the school at Kawailoa, in the District of Koolaupoko, City and County of Honolulu, referred to in Chapter 30 of the Revised Laws of Hawaii 1925, are to be known, respectively, as the Waialea Training School for Boys and the Kawailoa Training School for Girls. All rights intended to be secured to these schools, and each of them, as to the use of land, appropriations, etc., shall be unaffected by their designation as herein provided."

SECTION 2. This Act shall take effect on July 1, 1931.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 109

[S. B. No. 56]

AN ACT TO AMEND SECTION 358 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO APPROPRIATIONS FOR THE BOARD OF INDUSTRIAL SCHOOLS OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 358 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 358. Appropriations made out of general revenues. All appropriations for the board of industrial schools and for institutions under the control of the board, shall be made from and out of any available moneys received from the general revenues of the Territory and not out of the special fund for the maintenance of public schools."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 110

[S. B. No. 87]

AN ACT TO AMEND SECTIONS 1567, 1568, 1569, 1570, 1571 AND 1574 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PRISONERS' COMPENSATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1567 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1567. Board of prison directors to fix compensation. The board of prison directors is hereby empowered to classify, grade and fix payments to be made to prisoners who may be confined in the territorial prison."

SECTION 2. Section 1568 of said Revised Laws is hereby amended to read as follows:

"Sec. 1568. Compensation for labor by prisoners. Every prisoner who may be employed on or in such work as the warden of the prison, pursuant to the provisions of law, shall prescribe, may be allowed such graduated sums of money as the board may determine; provided, however, that payments shall in no case exceed the sum of twenty-five cents per day."

SECTION 3. Section 1569 of said Revised Laws is hereby amended to read as follows:

"Sec. 1569. Payroll. All claims arising under the authorization of Section 1568 shall be presented monthly on payrolls, properly certified by the warden, and paid by the auditor of the Territory by warrant to the warden as trustee."

SECTION 4. Section 1570 of said Revised Laws is hereby amended to read as follows:

"Sec. 1570. Custody of moneys; accounts with prisoners, etc. All sums collected as above shall be deposited by the warden in a bank to the credit of 'The Prisoners' Compensation Fund', and all interest paid thereon by any such bank may be expended by the warden for the purchase of articles for the recreation and entertainment of the prisoners. The warden shall maintain individual ledger accounts with each prisoner and shall issue to each prisoner a pass book showing credits and debits as they are made from time to time."

SECTION 5. Section 1571 of said Revised Laws is hereby amended to read as follows:

"Sec. 1571. Withdrawals; forfeitures; etc. The board may, in its discretion, allow any prisoner under its direction to draw from money to his credit account in the hands of the warden, to such amount and for such purposes as it may deem proper, and it shall be the duty of the warden upon the parole or discharge of a prisoner to pay to him any money to which he may be entitled under the provisions of this chapter; provided, however, that if any prisoner be of bad conduct, break the rules and regulations, or in any way does not conform to the discipline of the prison, the board may, in its discretion, declare forfeited the whole or any portion of said money standing and held for him and to his credit, and all sums so forfeited shall be deposited with the treasurer of the Territory as a territorial realization. All sums not claimed by a prisoner within thirty days after parole or discharge and all sums standing in the name of any deceased prisoner shall be deposited with the treasurer of the Territory as a territorial realization."

SECTION 6. Section 1574 of said Revised Laws is hereby amended to read as follows:

"Sec. 1574. Reports by warden. The warden shall, on the 31st day of December and the 30th day of June of each year, make full and complete reports to the board of all payments made to each prisoner, the amounts held to his credit and such other matters pertaining to the provisions of this chapter as the board may direct."

SECTION 7. This Act shall take effect on July 1, 1931.

Approved this 20th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 111

[S. B. No. 77]

AN ACT APPROPRIATING THE SUM OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) OUT OF ANY UNEXPENDED BALANCE OF LOAN FUNDS, CREATED BY THE TERRITORY OF HAWAII FOR CITY AND COUNTY PURPOSES, TO BE ALLOTTED TO THE PALOLO GOLF COURSE AS A REVOLVING FUND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twenty-five thousand dollars (\$25,000.00) is hereby appropriated out of any unexpended balance of loan funds, created by the Territory of Hawaii for city and county purposes, to be allotted to the Palolo Golf Course as a revolving fund to be expended for the maintenance, administration and operation of, the said golf course; provided, however, that in the event that the said Palolo Golf Course shall become self-supporting, the said sum of twenty-five thousand dollars (\$25,000.00) shall be deemed reappropriated and allotted to the Permanent Improvement Fund of the city and county of Honolulu.

SECTION 2. This Act shall take effect upon its approval.

Approved this 20th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 112

[S. B. No. 138]

AN ACT FOR THE RELIEF OF PRIVATE EMIL KUNUKAU, HAWAII NATIONAL GUARD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of seven dollars and fifty cents (\$7.50) is hereby appropriated out of the general revenues of the Territory of Hawaii to pay Private Emil Kunukau, Company "B", 298th Infantry, for attendance at the camp of instruction of the Hawaii National Guard held at Schofield Barracks, Oahu, August 14th to 28th, 1926.

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 113

[S. B. No. 163]

AN ACT TO AMEND SECTION 2088A OF THE REVISED LAWS OF HAWAII 1925, AS ENACTED BY ACT 236 OF THE SESSION LAWS OF 1925, RELATING TO FEES FOR PUBLIC SHOWS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2088A of the Revised Laws of Hawaii 1925, as enacted by Act 236 of the Session Laws of 1925, is hereby amended to read as follows:

"Sec. 2088A. The fee for each performance under the license provided in Section 2087 hereof shall be fifteen dollars (\$15.00) per day for carnivals, circuses, amusement parks and itinerant shows under canvas or temporary structure except that such carnivals, circuses, amusement parks and itinerant shows may be charged a yearly license of one hundred dollars (\$100.00); provided, however, that this section shall not apply to territorial, city and county or county fairs; and further provided, that no fees shall be charged if the treasurer or sheriff is satisfied that the entire proceeds of the performance or any exhibition are to be

donated to any school, religious or charitable institution, or for the promotion of art, and not for profit."

SECTION 2. This Act shall take effect July 1, 1931.

Approved this 21st day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 114

[S. B. No. 178]

AN ACT TO AMEND SECTION 1371 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PENALTY ON ALL DELINQUENT TAXES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1371 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1371. Penalty. A penalty of ten per cent shall be added by the assessor to the amount of all delinquent taxes, which penalty shall be and become a part of such tax and be collected as a part thereof.

"All delinquent taxes and penalties shall bear interest at the rate of two-thirds of one per cent for each month or fraction thereof from the expiration of fifteen days from the date of delinquency until paid, which interest shall be and become a part of such tax and be collected as a part thereof.

"No taxpayer shall be exempt from delinquent penalties by reason of having made an appeal on his assessment; but no delinquent penalty shall attach to the amount of the tax on the actual amount in dispute until ten days after such appeal shall be finally decided, the amount in dispute being the exemption claimed or the difference between the amount returned by the taxpayer and the amount assessed."

SECTION 2. This Act shall take effect and be in force from and after July 1, 1931.

Approved this 21st day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 115

[S. B. No. 212]

AN ACT TO REPEAL ACT 255 OF THE SESSION LAWS OF 1927,
PROVIDING FOR THE EXTENSION OF THE MOLOKAI FOREST
RESERVE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 255 of the Session Laws of 1927 is hereby repealed, and the superintendent of public works is hereby authorized and directed to discontinue any condemnation proceedings heretofore begun for the purpose of carrying out the provisions of said Act 255.

SECTION 2. This Act shall take effect upon its approval.

Approved this 21st day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 116

[S. B. No. 104]

AN ACT APPROPRIATING MONEY TO REIMBURSE VARIOUS PERSONS, ASSOCIATIONS AND CORPORATIONS FOR THEIR CONTRIBUTIONS TO DEFRAY THE EXPENSES OF THE ENTRY AND MAINTENANCE OF HAWAII'S EXHIBIT IN THE FRENCH COLONIAL AND OVERSEAS EXPOSITION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated out of any moneys received in the treasury of the territory from the general revenues, for the reimbursement of the following persons, associations and corporations for similar sums heretofore contributed by them as advances to meet the expenses incurred by representatives of the territory in preparing, entering and maintaining Hawaii's exhibit in the Colonial and Overseas Exposition shortly to be held in Paris, France:

Association of Hawaiian Pineapple Cannery,	\$1,500.00
American Factors, Limited,	500.00
Alexander & Baldwin, Limited,	500.00
Theo. H. Davies & Company, Limited,	500.00

C. Brewer and Company, Limited,	500.00
Castle & Cooke, Limited,	500.00
Oahu Railway & Land Company,	500.00
Inter-Island Steam Navigation Company, Limited,	250.00
W. H. McInerny,	250.00

SECTION 2. The above amounts shall be paid the respective parties upon their filing with the auditor proper vouchers approved by the secretary of the territory, and also their agreement that any unexpended balance of their contributions at the termination of the exposition and return of Hawaii's exhibit may be covered into the territorial treasury as a government realization.

SECTION 3. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 117

[S. B. No. 216]

AN ACT TO REIMBURSE HAWAIIAN TRUST COMPANY, LIMITED,
TRUSTEE UNDER THE WILL AND OF THE ESTATE OF KAHANUU
MEEK, DECEASED, FOR TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the territory is hereby authorized and directed to pay to Hawaiian Trust Company, Limited, trustee under the will and of the estate of Kahanuu Meek, deceased, out of real and personal property tax moneys collected in the first taxation division, the sum of four hundred forty-three and 78/100 dollars (\$443.78) for the purpose of reimbursing it for taxes illegally collected from it.

SECTION 2. The sum directed to be paid as aforesaid shall be paid upon a warrant issued by the auditor of the Territory of Hawaii based upon a voucher approved by the tax assessor of the first taxation division.

SECTION 3. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 118

[S. B. No. 217]

AN ACT TO REIMBURSE ROMAN CATHOLIC CHURCH IN THE TERRITORY OF HAWAII FOR TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the territory is hereby authorized and directed to pay to Roman Catholic Church in the Territory of Hawaii, out of real and personal property tax moneys collected in the first taxation division, the sum of four hundred sixty-three and 40/100 dollars (\$463.40) for the purpose of reimbursing it for taxes illegally collected from it.

SECTION 2. The sum directed to be paid as aforesaid shall be paid upon a warrant issued by the auditor of the Territory of Hawaii based upon a voucher approved by the tax assessor of the first taxation division.

SECTION 3. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 119

[S. B. No. 224]

AN ACT TO TRANSFER FUNDS WITHIN THE APPROPRIATION FOR THE LEPER SETTLEMENT AND KALIHI HOSPITAL FOR THE BIENNIUM 1929-31.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The auditor of the Territory of Hawaii is hereby directed and authorized to transfer three thousand five hundred dollars (\$3,500.00) to the appropriation for "Personal Services" for the Leper Settlement and Kalihi Hospital, appearing in Act 255 of the Session Laws of 1929, at page 340, from the appropriation for "Fixed Charges" for said Leper Settlement and Kalihi

Hospital appearing at page 341 of said Act 255 of the Session Laws of 1929.

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 120

[S. B. No. 213]

AN ACT PROVIDING FOR THE PLACING OF ALL MONEYS RECEIVED
BY THE COUNTIES OR CITY AND COUNTY AS GOVERNMENT
REALIZATION IN THE GENERAL FUND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All moneys of whatsoever nature received by the respective counties or city and county as government realization, except moneys designated by law to be placed in special funds, shall be deposited by the respective treasurers of such counties or city and county to the credit of the General Fund.

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 121

[S. B. No. 40]

AN ACT APPROPRIATING THE SUM OF TWO THOUSAND DOLLARS
(\$2,000.00) OUT OF CERTAIN MONEYS IN THE TERRITORIAL
TREASURY FOR THE CONSTRUCTION OF APOPO ROAD WITHIN
THE DISTRICT OF KAWAIHAU, COUNTY OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of two thousand dollars (\$2,000.00), or so much thereof as may be necessary, is hereby appropriated out of

moneys in the treasury of the Territory of Hawaii in that certain account designated as "Homestead Roads, Kauai Account", for the construction of Apopo Road within the District of Kawaihau, County of Kauai.

SECTION 2. The sum hereby appropriated shall be disbursed upon warrants drawn by the territorial auditor, based upon vouchers approved by the commissioner of public lands, who shall construct said road by contract with or through the board of supervisors of the county of Kauai.

SECTION 3. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 122

[S. B. No. 196]

AN ACT TO AMEND SECTION 1 OF ACT 243 OF THE SESSION LAWS OF 1929, ENTITLED "AN ACT TO PROVIDE FOR PUBLIC IMPROVEMENTS".

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 243 of the Session Laws of 1929, entitled "An Act to provide for public improvements", is hereby amended to read as follows:

"SECTION 1. The following sums are hereby appropriated for the following purposes, out of any available moneys now in the treasury or hereafter received by the treasurer, for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated:

"WHARF AND HARBOR IMPROVEMENTS

(To be expended under the direction of the Board of Harbor Commissioners).

- | | |
|--|--------------|
| 1. Nawiliwili Wharf and Terminal Improvements | \$300,000.00 |
| 2. Wharf and Shed to replace present Piers 13
and 14, Honolulu..... | 350,000.00 |
| 3. Harbor Commission Shop, Kewalo Basin..... | 20,000.00 |

4. Extension, Kaunakakai Wharf.....	74,933.28
5. Kapalama Basin, wharves and dredging.....	278,500.00
6. Shed on extension of Pier 1, Kahului, including conveyor system.....	144,177.86
7. Honuapo Wharf	75,000.00
8. Dredging and/or Terminal Improvements, Kaunakakai	40,000.00
8a. Breakwater, Kalaupapa Landing.....	15,000.00

“LAND, STRUCTURES AND HIGHWAYS.

(To be expended under the direction of the Department of Public Works.)

9. Purchase of land carrying water rights: Territorial Hospital, Kaneohe.....	55,138.00
10. Territorial Hospital, including equipment, Kaneohe site	195,000.00
11. Addition to Archives Building, including equipment	50,000.00
12. Addition and reconstruction, Kapuaiwa Building	75,000.00
13. Buildings, walks and improvements to grounds, including equipment, Board of Agriculture and Forestry, King and Keeaumoku Streets	100,000.00
14. National Guard Armory, Hilo, Hawaii.....	100,000.00
14a. Girls' Industrial Schools, Roads, Walks and/or other improvements	17,388.86
15. Territorial Office Building, Wailuku, Maui, purchase of land or other rights and/or condemnation proceedings where necessary, including equipment	50,000.00
16. Territorial Office Building, Lihue, Kauai, including equipment	35,000.00
17. Territorial Airports, Lands, Improvement to Land and Buildings.....	100,000.00
17a. Territorial Airport, Wailua, Kauai.....	35,000.00
18. Haleakala Road to National Park.....	300,000.00
19. Roads, walks, grading and fencing, Territorial Hospital, Kaneohe	25,000.00
20. Buildings for Territorial Normal School on New Site	150,000.00
21. Development of Water Supply System and Storage Systems, Power Plant, Laundry, Equipment and/or Distribution System for Leper Settlement at Kalaupapa, Molokai....	75,000.00

“STRUCTURES

(To be expended under the direction of the Board
of Regents of the University of Hawaii.)

22. Lecture Hall, including equipment..... 40,000.00

Total.....\$2,700,138.00”

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 123

[S. B. No. 197]

AN ACT APPROPRIATING THE SUM OF NINE THOUSAND DOLLARS
(\$9,000.00) OUT OF CERTAIN MONEYS IN THE TERRITORIAL
TREASURY FOR THE CONSTRUCTION OF A ROAD STARTING
FROM LOT 28, RAILROAD CUT, TO WAILUA RIVER ON THE
SOUTHWEST END OF LOT 30, WAILUA HOMESTEADS, WITHIN
THE DISTRICT OF KAWAIHAU, COUNTY OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of nine thousand dollars (\$9,000.00), or
so much thereof as may be necessary, is hereby appropriated out of
moneys in the treasury of the Territory of Hawaii in that certain
account designated as “Homestead Roads, Kauai Account”, for
the construction of a road starting from Lot 28, Railroad Cut, to
Wailua River on the southwest end of Lot 30, Wailua Homesteads,
within the District of Kawaihau, County of Kauai.

SECTION 2. The sum hereby appropriated shall be disbursed
upon warrants drawn by the territorial auditor, based upon
vouchers approved by the commissioner of public lands, who shall
construct said road by contract with or through the board of super-
visors of the County of Kauai.

SECTION 3. This Act shall take effect upon its approval.

Approved this 22nd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 124

[H. B. No. 137]

AN ACT MAKING AN APPROPRIATION OUT OF MONEYS IN THE SPECIAL LAND SALES FUND, OAHU, AND IN THE FARM LOAN RESERVE FUND, SURPLUS ACCOUNT, FOR THE ACQUISITION OF A CERTAIN PARCEL OF LAND LYING BETWEEN WASHINGTON PLACE AND MILLER AVENUE, IN THE CITY AND COUNTY OF HONOLULU, TERRITORY OF HAWAII, FOR AN ADDITION TO, AND ENLARGEMENT OF, THE GROUNDS OF WASHINGTON PLACE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of fifty thousand dollars (\$50,000.00) is hereby transferred from and out of that certain fund known as "Special Land Sales, Oahu", to a fund to be held for the fulfillment of this Act and the sum of fifteen thousand dollars (\$15,000.00) is hereby similarly transferred from and out of that certain fund of the farm loan board of Hawaii known as the "Farm Loan Reserve Fund, Surplus Account", making a total amount of sixty-five thousand dollars (\$65,000.00) available for the purpose of this Act.

SECTION 2. There is hereby appropriated the said total amount of sixty-five thousand dollars (\$65,000.00) or so much thereof as shall be necessary for the acquisition, by purchase and/or condemnation, as an addition to, and enlargement of the grounds of Washington Place, of that certain parcel of land having an area of 31,712 square feet, more or less, owned by Honolulu Gas Company, Limited, situate between Washington Place and Miller Avenue in Honolulu, City and County of Honolulu, Territory of Hawaii, with the improvements thereon.

SECTION 3. Upon the completion of the acquisition of said parcel of land the portion of this appropriation, if any, not required for such purpose, shall be retransferred to said "Farm Loan Reserve Fund, Surplus Account", up to the sum of fifteen thousand dollars (\$15,000.00). Any portion of the appropriation then remaining shall be retransferred to said "Special Land Sales, Oahu" fund.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 22nd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 125

[S. B. No. 86]

AN ACT TO AMEND SECTIONS 1514, 1515, 1516, 1518, 1519, 1523, 1526 AS AMENDED, 1527 AND 1528, AND REPEALING SECTIONS 1524 AND 1525 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PRISONS AND PRISONERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1514 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1514. Jailers, appointment. The high sheriff of the territory shall be the warden of Oahu Prison and of any other territorial prison which may be provided for by law and shall be responsible for the safekeeping of all prisoners who may be confined in or committed to any territorial prison. He shall, with the approval of the board of prison directors, appoint the necessary deputy wardens, jailers and other officers and employees at said prison or prisons. All other jailers shall be appointed by the sheriffs of the respective counties, including the city and county of Honolulu. The sheriff of each county or city and county shall be responsible for the safekeeping of all prisoners who may be confined in or committed to any county or city and county jail within his county or city and county."

SECTION 2. Section 1515 of said Revised Laws is hereby amended to read as follows:

"Sec. 1515. Pay. The pay of all officers and employees of territorial prisons shall be determined and regulated by the board of prison directors, except as otherwise provided by law."

SECTION 3. Section 1516 of said Revised Laws is hereby amended to read as follows:

"Sec. 1516. Prison records. When any prisoner shall be received into the territorial prison the high sheriff shall cause to be entered in a register the date of admission, the name, age, sex, nativity, nationality and such other facts as can be ascertained of the parentage, education, occupation and early social influences bearing upon the constitution and acquired defects and tendencies of the prisoner. The high sheriff shall also cause to be entered in the register from time to time all facts relating to the commutation (as required by Section 1558), parole, pardon, discharge, escape and death of any prisoner and also all punishments that are inflicted for breach of prison discipline, as they occur, and all other occurrences of note concerning the prisoner."

SECTION 4. Section 1518 of said Revised Laws is hereby amended to read as follows:

[Sic] "Sec. 1518. Examination by physician. The physician of the territorial prison shall carefully examine the prisoner when received and shall enter in a register to be kept by him, the name, nationality, weight, stature and a statement of his physical condition."

SECTION 5. Section 1519 of said Revised Laws is hereby amended to read as follows:

"Sec. 1519. Sanitation. The high sheriff shall cause each territorial prison to be kept in a clean, healthful and sanitary condition."

SECTION 6. Section 1523 of said Revised Laws is hereby amended to read as follows:

"Sec. 1523. On public works, etc. All prisoners sentenced to imprisonment at hard labor shall be constantly employed for the public benefit, on public roads or other public works or otherwise, as the high sheriff, with the approval and subject to the control of the board of prison directors, may deem best. The board and high sheriff shall cooperate, as far as practicable in their discretion, with the superintendent of public works in placing such prisoners at his disposal to be employed by him on public work or otherwise as the superintendent may lawfully direct. The high sheriff may, with the approval of the board, detail for labor on any public road or other public work, upon application for that purpose from any board of supervisors, as many available prisoners as such board of supervisors may deem necessary for such work, such prisoners to be under the care of their usual overseers and subject to such board of supervisors only as far as regards the mode of their employment."

SECTION 7. Sections 1524 and 1525 of said Revised Laws are hereby repealed.

SECTION 8. Section 1526 of said Revised Laws, as amended by Act 100 of the Session Laws of 1925, is hereby amended to read as follows:

"Sec. 1526. Prison labor, Kapiolani Park and Tantalus Road. Whenever requested by resolution of the board of supervisors of the city and county of Honolulu, the high sheriff and the board of prison directors shall detail for labor for the public benefit in Kapiolani Park and/or on Tantalus Road, city and county of Honolulu, not less than ten nor more than seventy-five territorial

prisoners. The resolution shall fix the number of prisoners desired, who shall be detailed for a period not greater than six months under any one resolution.

"The overseers for such prison labor shall be appointed by the high sheriff with the approval of the board of prison directors and shall be paid for by appropriation by said board of supervisors; the prisoners shall be under the care of such overseers and shall be subject to the board of supervisors only so far as the mode of their employment is concerned.

"Prisoners so detailed for labor upon Tantalus Road shall be employed, not merely for maintaining said road, but also for reconstructing the same wherever and whenever circumstances warrant."

SECTION 9. Section 1527 of said Revised Laws is hereby amended to read as follows:

"Sec. 1527. Labor only for government; exceptions. Such prisoners shall not be employed in any labor except for the territory or a political or other subdivision thereof; provided, that charitable institutions may have the use and employment of such prisoners as the high sheriff, with the approval of the board of prison directors, may deem it advisable so to allow.

"The high sheriff or other person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred nor more than one thousand dollars."

SECTION 10. Section 1528 of said Revised Laws is hereby amended to read as follows:

"Sec. 1528. Female prisoners. Female prisoners shall be kept entirely separate from the male prisoners and shall be employed in making mats, in sewing, in washing the clothes of the prisoners and in such other suitable occupations as the high sheriff, subject to the control of the board of prison directors, shall direct."

SECTION 11. This Act shall take effect July 1, 1931.

Approved this 23rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 126

[S. B. No. 88]

AN ACT TO AMEND CHAPTER 114 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTIONS 1560, 1561, 1562, 1563 AND 1566, REPEALING SECTIONS 1564 AND 1565 AND ADDING TWO NEW SECTIONS TO BE NUMBERED SECTIONS 1562A AND 1566A, RELATING TO THE PAROLE OF PRISONERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1560 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1560. Prisoners paroled. Any prisoner who is now or may be hereafter confined in any territorial prison in execution of any sentence imposed upon him, except in cases where the death penalty has been imposed, shall be subject to parole in manner and form as set forth in this chapter."

SECTION 2. Section 1561 of said Revised Laws is hereby amended to read as follows:

"Sec. 1561. Paroles; rules and regulations. The board of prison directors, with the approval of the governor, shall have power to establish rules and regulations, not inconsistent with the provisions of this chapter, under which any such prisoner may be paroled but remain, while on parole, in the legal custody and under the control of the board, and subject, at any time until the expiration of the term for which he was sentenced, to be taken back within the enclosure of said prison. Such rules and regulations shall become effective and shall have the force and effect of law upon approval of the governor and publication thereof as required by law; and full power, subject to the provisions of this chapter, to enforce such rules and regulations, to grant, with the approval of the governor, and to revoke, paroles, and to retake and reimprison any such paroled prisoner under the board's control, is hereby conferred upon the board, whose written order, certified by the chairman of the board, shall be a sufficient warrant for all officers named therein to authorize any such officers to return to actual custody any such paroled prisoner; and it is hereby made the duty of the high sheriff of the territory and his deputies, the sheriff of each county and city and county and his deputies, all police officers of the territory or of any county or city and county and all prison officers to execute any such order in like manner as ordinary criminal process.

"If any prisoner so paroled shall leave the territory without

permission from the board, he shall be deemed to be an escaped prisoner, and may be arrested as such."

SECTION 3. Section 1562 of said Revised Laws is hereby amended to read as follows:

"Sec. 1562. Terms and conditions of parole; revocation. Every parole granted under this chapter to any prisoner shall be subject to the express condition, to be set forth in the official written notification of parole to the prisoner, but to be binding upon him in any event, that all or any portion of his credits earned or to be earned may be forfeited by order of the board in the event that such prisoner shall break his parole or violate any law of the territory or rule or regulation of the board or any of the terms or conditions of his parole.

"No parole shall be revoked and no credits forfeited without cause, which cause must be stated in the order revoking the parole or forfeiting the credits, after notice to the paroled prisoner of his alleged offense and an opportunity to be heard.

"The board may at any time order the arrest and temporary return to custody of any paroled prisoner, as provided in Section 1561, for the purpose of ascertaining whether or not there is sufficient cause to warrant his reimprisonment or the revoking of his parole or other action provided for by this chapter.

"Any paroled prisoner retaken and reimprisoned as provided in this chapter shall be confined according to his sentence for the unexpired portion of his term and the time during which he has been out on parole shall not be counted as any such unexpired portion of his term, but successive paroles may, in the discretion of the board and with the approval of the governor, be granted to such prisoner during the life and in respect of such sentence."

SECTION 4. A new section is hereby added to said chapter 114, to be known as Section 1562A and to read as follows:

"Sec. 1562A. When; how initiated and granted. Such paroles may be granted at any time after the prisoner shall have served the minimum term of imprisonment fixed according to law.

"The proceedings to obtain such parole may be initiated by the written recommendation of the warden of the territorial prison to the board of prison directors or may be initiated by the board without any such recommendation.

"The board shall act by a majority of all its members in respect of all proceedings touching the parole of prisoners. The board shall in each case present to the governor a brief history of the

case, together with all pertinent facts touching the prisoner's antecedents and other matters which may have a bearing upon the question.

"The governor shall have an absolute and uncontrolled discretion in approving or disapproving all proposed paroles."

SECTION 5. Section 1563 of said Revised Laws is hereby amended to read as follows:

"Sec. 1563. No parole when. No parole shall be granted unless it shall appear to the board that there is a reasonable probability that the prisoner concerned will live and remain at liberty without violating the law and that his release is not incompatible with the welfare and safety of society."

SECTION 6. Sections 1564 and 1565 of said Revised Laws are hereby repealed.

SECTION 7. Section 1566 of said Revised Laws is hereby amended to read as follows:

"Sec. 1566. Final discharge. Whenever, in its opinion, any paroled prisoner has given such evidence as is deemed reliable and trustworthy that he will remain at liberty without violating the law and that his final release is not incompatible with the welfare of society, the board may, subject to the approval of the governor, grant the prisoner a written discharge from further liability under his sentence."

SECTION 8. A new section is hereby added to said chapter 114, to be known as section 1566A and to read as follows:

"Sec. 1566A. Parole officer and assistant parole officers. The board of prison directors is hereby authorized to appoint and remove at pleasure a parole officer and such assistant parole officers as may be necessary, who shall receive such compensation as shall be provided by law. The duties of such parole officer shall be as follows:

"(a) To keep a record of all paroled prisoners; to add from time to time thereafter information concerning the employment and wages of each paroled prisoner, together with the name or names of his employer or employers and such details concerning his health, conduct and environment as may come to the attention of such parole officer either from reports made to him or through his own personal investigation;

"(b) To receive reports from paroled prisoners as may be required by the rules and regulations of the board and to check

such reports by personal investigations and by conferences with the employers of such prisoners and such other persons as can give information concerning the habits, work and environment of such prisoners;

“(c) To investigate and keep informed upon the habits, work, wages and environment of such prisoners, if any there be, as are not required to report to such parole officer;

“(d) To make such other investigations, secure such other information and data, perform such other duties and make such other reports, in addition to those which may be required by law, as may be required by the board;

“(e) To make a report once in each month to the board, together with such additional reports as the circumstances shall call for, concerning the prisoners on parole and their conduct and environment; and

“(f) As far as practicable, to assist in obtaining suitable employment for paroled prisoners and otherwise assist in the rehabilitation of such paroled prisoners.

“The board may, if it deems expedient, make the parole officer a subordinate of the bureau of crime statistics and require him to function in and under said bureau.

“Each assistant parole officer shall have such of the powers and duties of the parole officer hereinabove provided for as shall be prescribed by the board.”

SECTION 9. This Act shall take effect on July 1, 1931.

Approved this 23rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 127

[S. B. No. 89]

AN ACT TO AMEND SECTIONS 1554 AND 1555, AND TO REPEAL SECTION 1556, OF THE REVISED LAWS OF HAWAII 1925, RELATING TO COMMUTATION OF PUNISHMENT OF PRISONERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1554 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1554. Forfeited and regained. Any prisoner may, for misconduct or other sufficient cause before his discharge, forfeit the whole or a part of the commutation which he has been allowed. For subsequent good conduct, meritorious behavior or other sufficient reasons, the whole or a part of the commutation so forfeited may be again allowed to such prisoner.

"Every prisoner whose commutation shall be so forfeited or restored, in whole or in part, shall be immediately notified thereof in writing by the authority taking such action."

SECTION 2. Section 1555 of said Revised Laws is hereby amended to read as follows:

"Sec. 1555. In discretion of prison directors or inspectors. The granting, withholding, forfeiting and restoring of the commutation provided for by this chapter shall be discretionary (a) with the board of prison directors as to prisoners confined in any territorial prison or in any jail in the first judicial circuit and (b) with the board of prison inspectors of each judicial circuit (other than said first circuit) as to prisoners confined in any county jail within such circuit."

SECTION 3. Section 1556 of said Revised Laws is hereby repealed.

SECTION 4. This Act shall take effect on July 1, 1931.

Approved this 23rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 128

[S. B. No. 90]

AN ACT TO AMEND SECTIONS 1541, 1542, 1543, 1544, 1546, 1548 AND 1549 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PRISONS, JAILS AND PRISON INSPECTORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1541 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1541. Appointment; tenure. The governor shall appoint, in the manner prescribed by Section 80 of the Organic Act, a board

of prison inspectors for each judicial circuit of the territory other than the first judicial circuit. Each board shall consist of three members who shall be appointed for terms of two years and shall be residents of the judicial circuit for which they are appointed."

SECTION 2. Section 1542 of said Revised Laws is hereby amended to read as follows:

"Sec. 1542. Service without pay; expenses. All members of each board shall serve without pay but their reasonable traveling and other expenses shall be paid by the respective counties in which such boards function."

SECTION 3. Section 1543 of said Revised Laws is hereby amended to read as follows:

"Sec. 1543. Duties; visitation of prisons, etc. It shall be the duty of each board and all its members in addition to any other duties provided by law to visit all county jails within the judicial circuit for which they are appointed at least once in every four months and to inquire into the management and conduct of the same, the care and maintenance of prisoners, the records of prisoners, the manner in which the officers and employees connected with such jails perform their official duties and the sanitary condition of such jails."

SECTION 4. Section 1544 of said Revised Laws is hereby amended to read as follows:

"Sec. 1544. Powers, discipline, rules, punishments, commutations. Each board shall have power to supervise the discipline and government of all county jails within the judicial circuit for which such board is appointed; to provide such rules and regulations not contrary to law as in the opinion of the majority of such board are advisable for the discipline and government of such jails; to prescribe, subject to the provisions of law, the punishment to be inflicted upon prisoners for breach of prison rules and other misconduct; to decide who are entitled to the commutation of sentence provided by law for good behavior and who shall be deprived of such commutation in whole or in part and to restore to any prisoner in whole or in part the commutation which such prisoner shall have lost; to classify the prisoners, designating the grade to which each shall belong, the privileges not inconsistent with law which they shall have and the garb which they shall wear."

SECTION 5. Section 1546 of said Revised Laws is hereby amended to read as follows:

"Sec. 1546. Access to prisons and records; institution of inquiries. Each board and every member thereof shall at all times

have free access to all county jails within the judicial circuit for which such board is appointed and to all records and books kept in connection therewith and may institute inquiries about any prisoner confined therein, and it is made the duty of all circuit judges, district magistrates, sheriffs, prosecuting officers, police officers and other court and prison officials and employees to furnish, when called on by such board, all information that may be possessed concerning such prisoner.

"In all investigations made by such board and in all proceedings before it, such board and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence and examining witnesses as are possessed by circuit judges at chambers. In case of disobedience by any person or persons of any order of the board or any member thereof or of any subpoena issued by it or him or of the refusal of any witness to testify to any matter regarding which he may be questioned lawfully, it shall be the duty of any circuit judge, on application by the board or a member thereof, to compel obedience as in case of disobedience of the requirements of a subpoena issued from a circuit court or a refusal to testify therein. The fees and traveling expenses of witnesses shall be the same as are allowed witnesses in the circuit courts and shall be paid by the county, except where such fees and expenses are incurred in the course of investigations held at the direction and in behalf of the board of prison directors, in which case such fees and expenses shall be paid by the territory out of any appropriations available for the expenses of the board of prison directors.

"Each such board shall also perform such other acts and duties as may be lawfully required by the board of prison directors and, in connection with such acts and duties, shall be vested with all the powers of the board of prison directors in so far as shall be necessary to the due performance of such acts and duties."

SECTION 6. Section 1548 of said Revised Laws is hereby amended to read as follows:

"Sec. 1548. What officials may visit. The governor, attorney general, treasurer, superintendent of public works, the judges of the supreme and circuit courts and members of the legislature, and members of the boards of supervisors shall be allowed at suitable hours freely to visit any territorial prison or county or city and county jail."

SECTION 7. Section 1549 of said Revised Laws is hereby amended to read as follows:

"Sec. 1549. Others by permission. None but official visitors named in Section 1548 and any others specifically authorized by law shall be allowed to visit any prison or jail or to have any verbal or written communication with the prisoners, unless with the written permission of the high sheriff or a member of the board of prison directors as to territorial prisons, or the written permission of the sheriff or a member of said board as to city and county jails in the first judicial circuit, or of such other officers as shall be authorized by said board to grant such permission, or the written permission of the sheriff or a member of the board of prison inspectors or such other officers as shall be authorized by such board to grant such permission, as to county jails in other judicial circuits; nor shall any visitor deliver to or receive from any prisoner any letter or message, or supply any prisoner with any article, except with such permission and through one of the officers designated in this section, under penalty of a fine of not less than five nor more than two hundred dollars."

SECTION 8. This Act shall take effect on July 1, 1931.

Approved this 23rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 129

[S. B. No. 91]

AN ACT TO ADD TO THE REVISED LAWS OF HAWAII 1925, A NEW CHAPTER TO BE NUMBERED 110A AND SEVEN NEW SECTIONS TO BE NUMBERED SECTIONS 1536A, 1536B, 1536C, 1536D, 1536E, 1536F AND 1536G, MAKING A PART OF SAID NEW CHAPTER SECTIONS 1537 TO 1540, BOTH INCLUSIVE, OF SAID REVISED LAWS AND AMENDING SECTIONS 1537 AND 1539 OF SAID REVISED LAWS, CREATING A TERRITORIAL BOARD OF PRISON DIRECTORS AND PRESCRIBING ITS POWERS, DUTIES AND FUNCTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new chapter to be numbered 110A and seven new sections to be numbered sections 1536A, 1536B, 1536C, 1536D, 1536E, 1536F and 1536G are hereby added to the Revised Laws of Hawaii 1925, to read as follows:

"CHAPTER 110A

"BOARD OF PRISON DIRECTORS.

"Sec. 1536A. Appointment; tenure. The governor shall appoint, in the manner prescribed by section 80 of the Organic Act, a board to be known as the board of prison directors, to consist of five members who shall be appointed for terms of four years and one of whom shall be designated by the appointing power as chairman; provided, however, that the first five members appointed hereunder shall be appointed for the following terms, commencing July 1, 1931, to-wit: two for a term of one year; one for a term of two years; one for a term of three years; one for a term of four years. Thereafter all appointments shall be made for terms of four years, commencing from the date of expiration of the last preceding term. Any vacancy shall be filled by appointment for the remainder of the unexpired term.

"Sec. 1536B. Service without pay; expenses. The members of the board shall serve without pay, but their necessary expenses for traveling and incidentals shall be paid from the appropriation for prisons or the support of prisoners; provided, however, that all expenses incurred by the members of the board in inspecting or in connection with city and county jails shall be paid by the city and county of Honolulu.

"Sec. 1536C. Duties; visitation of prisons, etc. It shall be the duty of the board to visit all territorial prisons and prison camps within the territory and all jails within the first judicial circuit at least once in every four months and to inquire into the management and conduct of the same, the care and maintenance of prisoners, the records of prisoners, the manner in which the officers and employees connected with such prisons and jails perform their official duties and the sanitary condition of such prisons and jails; provided, however, that the board may delegate to the board of prison inspectors of any other judicial circuit the duty of visiting territorial prison camps in such circuit and require reports thereon.

"Sec. 1536D. Powers, discipline, rules, punishments, commutations. The board shall have power to supervise the discipline and government of all territorial prisons and prison camps and of all jails within the first judicial circuit; to provide such rules and regulations not contrary to law as in the opinion of the board are advisable for the discipline and government of such prisons, camps and jails; to prescribe the labor to be performed by prisoners which shall occupy at least eight working hours each day except Sundays and holidays; to prescribe the punishment to be inflicted on any prisoner for breach of prison rules or other mis-

conduct; to decide who shall be entitled to the commutation of sentence provided by law for good behavior and who shall be deprived of such commutation, in whole or in part, and to restore, in its discretion, in whole or in part, to any prisoner the commutation which such prisoner shall have lost; to classify and grade the prisoners, designating the privileges not inconsistent with law which they shall have and the garb which they shall wear.

"Sec. 1536E. Pardons. The board shall consider every application for pardon which may be referred to it by the governor and shall furnish the governor, as soon as may be after such reference, all information possible concerning the prisoners, together with a recommendation as to the granting or refusing of such pardon.

"Sec. 1536F. Access to prisons and records; instituting of inquiries and securing of information. The board and every member thereof shall at all times have free access to all prisons and jails throughout the territory, to all other institutions wherein persons convicted of crime shall be confined and to all records and books kept in connection therewith, and may institute inquiries about any prisoners whether confined or out on parole. The board may also require the board of prison inspectors of any judicial circuit to make, within such circuit, any inspections, inquiries or investigations which the board of prison directors is authorized to make and it shall be the duty of such board of prison inspectors to make such inspections, inquiries or investigations and to report its findings or any other information requested to the board of prison directors.

"It is made the duty of all circuit judges, district magistrates, prosecuting officers, sheriffs, police officers and other court and prison officials and employees to furnish, when called upon by the board, all information that may be possessed concerning any prisoner.

"Upon the refusal of any person in charge of any such jail, prison or institution to give free access thereto or to any records or books kept in connection therewith, or of any such officer, magistrate, sheriff, official or employee to furnish such information or of any board of prison inspectors to make such inspections, inquiries or investigations when so requested by the board of prison directors, the board may make informal application in writing to any circuit judge at chambers, reciting the facts and requesting an order directing the person concerned to give such access, furnish such information or make such inspections, inquiries or investigations and such judge, after such reasonable notice to such person as he shall direct, shall proceed to hear such

application and shall have power to make such order as may appear proper. In case of the refusal of a circuit judge to furnish information as in this section required, the board may apply to the supreme court of the territory for relief in the same manner as in the case of an application to a circuit judge at chambers hereinabove provided for. The circuit judges and the supreme court are hereby given jurisdiction and all powers necessary for the purposes of this section.

"In all investigations made by the board and in all proceedings before it, the board and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence and examining witnesses as are possessed by circuit judges at chambers. In case of disobedience by any person or persons of any order of the board or any member thereof or of any subpoena issued by it or him or of the refusal of any witness to testify to any matter regarding which he may be questioned lawfully, it shall be the duty of any circuit judge, on application by the board or a member thereof, to compel obedience as in case of disobedience of the requirements of a subpoena issued from a circuit court or a refusal to testify therein. The fees and traveling expenses of witnesses shall be the same as are allowed witnesses in the circuit courts and shall be paid by the territory out of any appropriations available for the expenses of the board.

"Sec. 1536G. Acting chairman, meetings, records, reports. In case of the temporary absence or illness of the chairman, an acting chairman may be appointed in the manner provided by Section 169. In case of the absence from any meeting of the chairman or acting chairman, the members present may elect any member to act as chairman at such meeting. The board shall hold a regular meeting at least once in every month. A record of all meetings and proceedings of the board shall be kept, and a detailed report of its work shall be sent to the governor every three months. In all matters the board shall act by a majority of its members."

SECTION 2. Sections 1537 as hereby amended, 1538, 1539 as hereby amended and 1540 of said Revised Laws are hereby made a part of said Chapter 110A.

SECTION 3. Section 1537 of said Revised Laws is hereby amended to read as follows:

"Sec. 1537. Wardens and sheriffs to effectuate identification systems. The warden of the territorial prison and the sheriffs of the political subdivisions of the territory are hereby empowered and directed to employ and put into force and effect such systems

of identification of prisoners and persons suspected of crime or of criminal intent and for the recording and compilation of crime statistics as the board of prison directors shall from time to time prescribe."

SECTION 4. Section 1539 of said Revised Laws is hereby amended to read as follows:

"Sec. 1539. Bureau of crime statistics; powers and functions. The board of prison directors is hereby authorized and directed to organize and maintain a bureau to be known as the bureau of crime statistics, which shall be operated under the direction and control of the board. The board, through said bureau, shall select and enforce systems of identification of prisoners and persons suspected of crime or of criminal intent and for the recording and compilation of statistics relating to crime. The board shall appoint an executive officer experienced and versed in such systems of identification and the collection and compilation of data and statistics relating to crime as are used in prisons and places of detention throughout the United States. He shall act as secretary of the board and be chief of the bureau of crime statistics, receiving such compensation for his services as shall be provided by law. He shall, under the direction and control of the board, instruct such employees of the prisons and places of detention, sheriffs, and others charged with the preservation of the peace and well being of society as the board may deem necessary or proper in such systems of identification and collection and compilation of crime statistics as the board may direct. Such executive officer shall be a citizen of the United States of America and shall have resided in the Territory of Hawaii for at least three years prior to his appointment.

"The several counties and the city and county of Honolulu shall provide the necessary equipment and the compensation of the persons required to install and carry out the work of such systems of identification and statistics in their respective jurisdictions, provided that all such expenses in connection with prison matters exclusively within the control of the territory shall be borne by the territory.

"Such systems shall be uniform throughout the territory, shall be continuous in operation and shall be maintained as far as possible in such manner as shall be in keeping with the most approved and modern methods of identification and of the collection and compilation of such statistics.

"The chief of the bureau shall also perform such other duties as shall be required by the board.

"The board, through the bureau, shall keep a uniform record of the work of the courts, prosecuting officers, the police and other agencies or officers for the prevention or detection of crime and the enforcement of law in the territory in a form suitable (a) for the study of the causes and prevention of crime and delinquency and of the efforts made and efficacy thereof to detect or prevent crime and to apprehend and punish violators of law in the territory and (b) for the examination of the records of the operations of such officers and the results thereof.

"The chief of the bureau, with the approval of the board, shall have power to prescribe and establish and to change, from time to time, forms to be followed in keeping records and in making reports to the bureau. It shall be the duty of all courts and the judges and other officers thereof and of all prosecuting officers, sheriffs and other agencies and officers for the prevention or detection of crime and for the enforcement of law to use such forms, keep such records and make such reports to the bureau as may be so required.

"The board shall also appoint a clerk who shall be a competent and experienced reporter and stenographer, shall perform the clerical duties of the board and of the bureau, shall be subject to the direction of the chief of the bureau and shall receive such compensation as shall be provided by law. The chief of the bureau and the clerk shall devote their full time to the performance of their official duties."

SECTION 5. This Act shall take effect on July 1, 1931.

Approved this 23rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 130

[S. B. No. 145]

AN ACT TO REPEAL SECTION 4074 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO CRIMINAL PROCEDURE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4074 of the Revised Laws of Hawaii 1925, is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 131

[S. B. No. 135]

AN ACT TO AMEND SECTION 221 OF THE REVISED LAWS OF HAWAII 1925, CREATING AN ARMORY BOARD AND DEFINING ITS DUTIES AND POWERS, AND MAKING AVAILABLE CERTAIN FUNDS FOR THE USE OF SAID BOARD.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 221 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 221. Armory board; appointment, duties, etc. It shall be the duty of the adjutant general of the Hawaii National Guard to appoint an armory board to consist of three members, who shall be commissioned officers of the Hawaii National Guard. Such board may, subject to such rules and regulations as may be issued by the governor, make rules and regulations governing the care and custody of armories, and may permit the use of, or may temporarily rent, such portions of armories as will not interfere with the military use thereof. All moneys received from rentals shall be paid into the territorial treasury and such moneys may be expended by the board on warrants issued by the auditor on vouchers approved by the said board, for the purpose of equipping, purchasing furniture, repairs to, or betterment of the armory from which received. The board shall cause to be kept suitable books of account, and shall annually submit to the governor, to be by him submitted to the legislature, a statement showing receipts from all sources and expenditures for all purposes."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 132

[S. B. No. 176]

AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR THE PURPOSE OF CONTINUING THE WORK PROVIDED FOR BY ACT 31 OF THE SESSION LAWS OF 1929, RELATING TO THE CHECKING, ESTABLISHMENT AND MARKING OF TRIANGULATION STATIONS IN THE VARIOUS COUNTIES AND CITY AND COUNTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of ten thousand dollars (\$10,000.00), in addition to the amount heretofore appropriated by Act 31 of the Session Laws of 1929, is hereby appropriated out of any available moneys in the territorial treasury for the continuation of the work provided for by said Act, to-wit, the checking and ascertaining of the proper location of, and the establishment of permanent monuments and standard signals at, all primary and secondary triangulation stations in the counties of Maui, Hawaii and Kauai and the city and county of Honolulu.

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 133

[S. B. No. 208]

AN ACT TO AMEND SECTION 1256 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO SECURITY FOR TERRITORIAL FUNDS DEPOSITED IN BANKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1256 of the Revised Laws of Hawaii 1925, as amended by Act 173 of the Session Laws of 1927, is hereby amended to read as follows:

"Sec. 1256. Security for funds deposited. For the security of funds deposited by the treasurer under the provisions of this chapter there shall be deposited with the treasurer,

(1) Bonds of the territory to an amount at least equal in their par value to the amount of the deposit with such bank or banks,

or (2) bonds of the United States or of any city, county, or city and county of the territory or any district improvement bonds of any such city, county, or city and county to an amount at least equal in their market value, not exceeding their par value, to the amount of the deposit with such bank or banks, or (3) warrants or warrant notes of the territory or the United States to an amount at least equal in their face value to the amount on deposit with such bank or banks, or (4) bonds of any city of the continental United States to an amount at least equal in their market value but not to exceed par value to the amount on deposit with such bank or banks, or (5) such industrial or other bonds as are accepted by the courts of the territory for investment of trust funds and approved by the governor and the treasurer to an amount in value at least twenty-five per cent in excess of the amount of the deposit of such bank or banks, provided, however, that any of the said bonds held for or on behalf of the Territory of Hawaii in such national or state bank or banks in the continental United States as the treasurer may select, and subject to his order, shall be deemed to be deposited with the treasurer under the provisions of this section.

"When the value of any bond of any city of the continental United States, or of any industrial bond, upon open market, shall be less than the par value of such bond, then the value thereof for the purpose of this chapter shall be the market value of the same, otherwise such value shall be the par value of the same. If in any case or at any time any bonds or warrants or warrant notes are not deemed satisfactory security by the governor and treasurer, they shall require such additional security as may be satisfactory to them. Such bonds, warrants or warrant notes, or any part thereof, may be withdrawn, provided, that the required amount of bonds, warrants or warrant notes to secure deposits shall be kept in the treasury. In the event that said bank or banks of deposit shall fail to pay such deposits, or any part thereof, upon presentation of a check or certificate of deposit, properly endorsed, as herein provided, then it shall be the duty of the treasurer to forthwith convert said bonds, warrants or warrant notes into money, and to disburse the same according to law, provided, however, that he shall sell no bonds, warrants or warrant notes, except at public auction, after giving at least ten days' notice by publication in some newspaper of general circulation in the territory."

SECTION 2. This Act shall take effect upon its approval.

Approved this 23rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 134

[S. B. No. 191]

AN ACT TO AMEND CHAPTER 55 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTIONS 732 AND 735 THEREOF, AND BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 732A, RELATING TO THE PROTECTION OF BIRDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 732 and 735 of Chapter 55 of the Revised Laws of Hawaii 1925, are hereby amended to read as follows:

"Sec. 732. Destroying imported birds; punishment. Except as otherwise provided, any person who shall shoot, snare or otherwise destroy any bird, except the mynah bird, brought from without the territory for the purpose of propagating its species within this territory, or any of the progeny of such imported bird; or who shall disturb the eggs and nests of such birds, shall, on conviction, be fined not more than twenty dollars for each offense, and in default of payment be imprisoned for a term of not more than twenty days.

"Except as aforesaid, whoever shall sell, or offer for sale at any time, any bird of the species so imported, shall, on conviction, be fined in the sum of ten dollars, and in default of payment, be imprisoned for a term of not more than ten days."

"Sec. 735. Excluded from definition. The European or house sparrow, the house finch, the rice bird, the mynah, and any imported species of perching bird (or passerine), injurious to forestry or agriculture, shall not be protected by Sections 731-741."

SECTION 2. A new section is hereby added to Chapter 55 to be known as Section 732A, and to read as follows:

"Sec. 732A. It shall be deemed to be prima facie evidence that any person is guilty of violating the provisions of Section 732, if said person is found with a trap or snare in his possession or is found at night, in the act of searching with a light for birds, in any locality where imported birds are known to roost."

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 135

[H. B. No. 35]

AN ACT AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO PAY THE CLAIM OF WALKER & OLUND, LIMITED, FOR WORK DONE AND MATERIALS FURNISHED IN COMPLETING THE CITY HALL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized, empowered and directed to pay, out of any moneys in the permanent improvement fund of the said City and County of Honolulu to Walker & Olund, Limited, the sum of seven thousand four hundred one and 60/100 dollars (\$7,401.60), for materials furnished and labor performed in doing certain extra work in completing the City Hall of said city and county.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 23rd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 136

(S.B. No. 153)

AN ACT AUTHORIZING THE DESIGNATION OF SUBORDINATES OF ANY BOARD, COMMISSION OR DEPARTMENT OF THE TERRITORY OF HAWAII OR ANY POLITICAL SUBDIVISION THEREOF TO PERFORM THE SERVICES OF NOTARIES PUBLIC.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Except as otherwise provided for by law, every board, commission or head of any department of the Territory of Hawaii or any political subdivision thereof may designate one or more of its subordinates holding a commission as a notary public to perform, without charge, the services of a notary public in all matters of business pertaining to any board, commission or department of the Territory of Hawaii or any political subdivision thereof, as the case may be, wherein such services are required. A subordinate so designated shall not be required to pay the annual fee

for a license to act as a notary public and shall not act as such except in connection with matters of public business as hereinbefore set forth; provided, however, that nothing herein contained shall be construed as preventing any notary public so designated from paying the said license fee and after the payment thereof from demanding and receiving the notarial fees prescribed by law for services rendered in matters not pertaining to public business.

SECTION 2. This Act shall take effect upon its approval.

Approved this 24th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 137

(H.B. No. 155)

AN ACT TO AMEND CHAPTER 205 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTION 3588 THEREOF AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 3588A, RELATING TO INTEREST.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3588 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3588. Usury not recoverable. If a greater rate of interest than one per cent per month shall be contracted for, the contract shall not, by reason thereof, be void; but if in any action on such contract proof be made that a greater rate of interest than one per cent per month has been directly or indirectly contracted for, the plaintiff shall only recover the principal and the defendant shall recover costs; and if interest shall have been paid, judgment shall be for the principal less the amount of interest paid: provided, however, that this section shall not be held to apply to contracts for money lent upon bottomry bonds or upon other maritime risks."

SECTION 2. A new section is hereby added to said Chapter 205 of said Revised Laws to be known as Section 3588A and to read as follows:

"Sec. 3588A. Acts of agent. All acts of an agent in lending money at a rate of interest in excess of one per cent per month shall bind the principal to the same extent as though the prin-

cipal acted in person, and where the same person acts as the agent of the borrower and lender he shall be deemed the agent of the lender for the purposes of this chapter."

SECTION 3. This Act shall take effect upon its approval, but shall not be construed so as to affect any contract or legal obligation made or entered into prior to the taking effect of this Act.

Approved this 24th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 138

[H. B. No. 4]

AN ACT TO AMEND SECTIONS 1577, 1578, 1579 AND 1581 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE GOVERNMENT OF THE COUNTY OF KALAWAO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 1577, 1578, 1579 and 1581 of the Revised Laws of Hawaii 1925, are hereby amended by deleting the words "board of health" wherever the same appear therein and inserting in lieu thereof the words "board of leper hospitals and settlement."

SECTION 2. This Act shall take effect from and after July 1, 1931.

Approved this 25th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 139

[H. B. No. 5]

AN ACT TO AMEND CHAPTER 94 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LEPER HOSPITALS AND SETTLEMENT, CREATING A BOARD TO BE KNOWN AS BOARD OF LEPER HOSPITALS AND SETTLEMENT, AND PRESCRIBING ITS POWERS, DUTIES AND FUNCTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 94 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 1183-A, to read as follows:

"Sec. 1183-A. Board of Leper Hospitals and Settlement. A board of leper hospitals and settlement is hereby created to consist of five members, at least two of whom shall be physicians, registered as such in the territory, and three other persons, who shall be appointed, and may be removed, by the governor in manner provided by Section 80 of the Organic Act. One of said members shall be designated by the governor as chairman of said board. The term of office of the members of said board shall be four years from and after the date of their respective appointments. Each member of said board must at the time of his appointment be an elector of the Territory of Hawaii and must have been such at least five years next preceding his appointment. The members of said board shall serve without pay. The term 'board' whenever used in this chapter shall mean and refer to the board of leper hospitals and settlements hereby created."

SECTION 2. Chapter 94 of said Revised Laws is hereby further amended by adding thereto a new section to be known as Section 1183-B, to read as follows:

"Sec. 1183-B. Organization and meetings. Immediately after it is first constituted, the board of leper hospitals and settlement shall meet for the purpose of organization. The board shall thereafter hold regular public meetings at a designated time and place. The board may adopt such rules and regulations as it may consider necessary for the conduct of its business and the regulation of the matters herein committed to its charge, which rules and regulations when approved and published as provided by Section 1199 shall have the force and effect of law. A majority of the board shall constitute a quorum for the transaction of business, provided that the affirmative vote of at least three members of the board shall be necessary to validate any action of the board.

"All rules and regulations of the board of health of the territory in force on the effective date of this section relating to matters covered by this chapter shall, until modified, or repealed by the board of leper hospitals and settlement, remain in full force and effect."

SECTION 3. Chapter 94 of said Revised Laws is hereby further amended by adding thereto a new section to be known as Section 1183-C, to read as follows:

"Sec. 1183-C. (a) General superintendent. The board shall appoint a superintendent who shall have such authority as the board may delegate to him and shall have full power to administer the affairs of the leper hospitals and settlement subject to the direction and approval of said board. He shall be known as the superintendent of leper hospitals and settlement and shall serve at the pleasure of the board.

"(b) The superintendent shall, subject to the control of the board, have power to appoint and discharge other employees, subordinates and assistants as may be necessary for the proper conduct of the business and duties committed to the board."

SECTION 4. Chapter 94 of said Revised Laws is hereby further amended by adding thereto a new section to be known as Section 1183-D, to read as follows:

"Sec. 1183-D. All moneys at any time appropriated for the upkeep, support, maintenance and conduct of any leper hospital, settlement and/or receiving station, shall, after the effective date of this Act, be expended under the supervision and authority and by the order of the board of leper hospitals and settlement, upon vouchers signed by the chairman of the board."

SECTION 5. Chapter 94 of said Revised Laws and all sections thereof as the same have been amended at any time, are hereby further amended by deleting the words "board of health" wherever the same may therein appear and inserting in lieu thereof the words "board of leper hospitals and settlement."

SECTION 6. This Act shall take effect on and after July 1, 1931, provided that the members of the board of leper hospitals and settlement may be appointed at any time prior thereto.

Approved this 25th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 140

[H. B. No. 138]

AN ACT CREATING A COMMISSION TO DIRECT THE PREPARATION OF AN EXHIBIT TO BE ENTERED IN "A CENTURY OF PROGRESS" AND MAKING APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the governor of the Territory of Hawaii, by and with the advice and consent of the Senate is hereby authorized and directed to appoint a commission consisting of three persons, the duties of which commission shall be to arrange an exhibit to be entered by the territorial government and/or any branch thereof, and by various industries of the territory, with a view to entering such exhibit in "A Century of Progress." The members of the commission to serve without pay, but they shall be allowed such expenses as, in the opinion of the commission, are necessary in the proper preparation, installation, maintenance, and disposition of such exhibit. Provided, that the net receipts derived from the sale of any portion of such exhibit belonging to the government of the Territory of Hawaii or to any branch of the government of the Territory of Hawaii shall be deposited with the treasurer of the Territory of Hawaii as a government realization.

SECTION 2. The sum of five thousand dollars (\$5,000.00) is hereby appropriated from the general revenues of the territory, not otherwise appropriated, for the purpose of defraying all the necessary expenses in connection with such exhibit.

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 141

[H. B. No. 208]

AN ACT MAKING AN APPROPRIATION OF FIVE HUNDRED AND FORTY-FIVE DOLLARS (\$545.00) FOR THE RELIEF OF GOO FONG.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of the general revenues of the territory the sum of five hundred and forty-five

dollars (\$545.00), to be paid by the treasurer of the territory to Goo Fong, upon proper receipt therefor, to reimburse said Goo Fong for the amount wrongfully imposed upon him as liquidated damages in carrying out, during the year 1929, a certain contract for the building of fences for the board of agriculture and forestry on Hawaii and for the amount wrongfully denied him for extras performed on said contract.

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 142

[H. B. No. 325]

AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT
OF A SUITABLE MEMORIAL AT KALAWAO, MOLOKAI, IN
HONOR OF THE LATE BROTHER JOSEPH DUTTON.

WHEREAS, in grateful memory of the late Brother Joseph Dutton's long, unselfish and valuable service to the territory and more especially to those afflicted with leprosy for whom he gave unselfishly the best years of his life, it is fitting that some public recognition be shown by the people of Hawaii; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated the sum of seven hundred and fifty dollars (\$750.00), or as much thereof as may be required, out of moneys available in the treasury of the territory to be expended under the supervision of the superintendent of public works for enclosing and otherwise suitably marking and preserving the burial place of the late Brother Joseph Dutton at Kalawao on the Island of Molokai and for the erection or placing of a suitable monument thereon.

SECTION 2. The expenditures from such appropriation shall be made upon vouchers approved by the superintendent of public works, and the auditor of the territory is hereby authorized to draw warrants against such appropriation upon vouchers so approved.

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 143

[H. B. No. 336]

AN ACT MAKING AN APPROPRIATION FOR THE EXPENSES OF PROMOTING THE PROGRAM OF THE REGIONAL CONFERENCE OF THE WORLD FEDERATION OF EDUCATION ASSOCIATIONS TO BE HELD IN HAWAII DURING THE SUMMER OF 1932, AND PROVIDING FOR THE DISBURSEMENT THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of ten thousand dollars (\$10,000.00) is hereby appropriated, out of moneys in the treasury of the Territory of Hawaii not otherwise appropriated, for the expenses of promoting the program of the Regional Conference of the World Federation of Education Associations to be held in Hawaii during the summer of 1932, to be expended under the direction of the committee hereinafter provided for.

SECTION 2. The governor shall appoint, in the manner provided by Section 80 of the Hawaiian Organic Act, a committee, to be known as the executive committee of the Hawaii conference of the World Federation of Education Associations, composed of nine persons who shall serve without compensation and one of whom shall be so appointed as chairman of said committee. The committee shall have control of all expenditures under this Act and shall have power to appoint or engage such clerical and other assistants as may be deemed necessary to carry out the purposes of this Act.

SECTION 3. The aforesaid sum, or so much thereof as may be necessary, shall be disbursed on warrants drawn by the auditor of the territory, based upon vouchers approved by the chairman of said committee. Provided, however, that no part of said sum shall be available for expenditure unless and until the territorial auditor shall have received satisfactory evidence that the sum of not less than ten thousand dollars (\$10,000.00) has been raised out of private funds and placed under the control of, and made available for expenditure by, said committee, and provided, further, that no

portion of said appropriation shall be expended in excess of such amount as shall be or have been expended out of such private funds.

SECTION 4. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 144

[H. B. No. 391]

AN ACT TO AMEND ACT 9 OF THE SESSION LAWS OF 1929, RELATING TO PENSIONS FOR POLICEMEN, FIREMEN AND BANDSMEN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of Act 9 of the Session Laws of 1929, is hereby amended to read as follows:

“Section 2. This Act shall take effect upon its approval and shall apply not only to those hereafter entitled to receive and receiving pensions under the provisions of Chapter 130 of the Revised Laws of Hawaii 1925, but shall apply in like force and effect to those now entitled to receive and receiving pensions under the provisions of said chapter.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 145

[S. B. No. 132]

AN ACT APPROPRIATING MONEY FOR, AND AUTHORIZING AND DIRECTING THE TREASURER OF THE TERRITORY OF HAWAII TO PAY THE CLAIM OF MRS. MARGARET FERREIRA, THE WIDOW OF ANTONE E. FERREIRA, DECEASED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii, not otherwise appropriated, the sum of one hundred seven and 00/100 dollars (\$107.00) for the purpose of paying the claim of Mrs. Margaret Ferreira, the widow of Antone E. Ferreira, deceased, on account of transportation supplied to the military department of the Territory of Hawaii by the said deceased.

SECTION 2. The sum herein appropriated shall become available and the treasurer is hereby authorized and directed to pay the same to the said widow of Antone E. Ferreira, deceased, upon a warrant issued by the auditor as soon as the said widow of Antone E. Ferreira, deceased, shall file with the treasurer an affidavit showing an itemized statement of the transportation furnished by the said deceased for which no payment therefor had been made.

SECTION 3. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 146

[H. B. No. 396]

AN ACT AMENDING SECTION 2994 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO CONTRACTS OF MARRIED WOMEN.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2994 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2994. Contracts. A married woman may make contracts, oral and written, sealed and unsealed, in the same manner as if she were sole, except that she shall not be authorized to make

contracts for personal service without the written consent of her husband, nor to contract with her husband; provided, however, that any deed executed by either husband or wife to or in favor of the other shall be valid to the same extent as between other persons."

SECTION 2. This Act shall take effect upon its approval.

Approved this 25th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 147

[S. B. No. 121]

AN ACT FOR THE RELIEF OF JEAN M. WATT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of fifty-six and 95/100 dollars (\$56.95) is hereby appropriated out of the general revenues of the Territory of Hawaii for the reimbursement of Miss Jean M. Watt for the amount advanced by her to pay for damages caused to the automobile of Mr. A. M. Dishman while the same was, on August 29, 1930, and during an emergency, rendering aid to Miss Watt in furtherance of her duties as a public health nurse.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 148

[S. B. No. 190]

AN ACT TO AMEND CHAPTER 100 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO BANK EXAMINER, BY AMENDING SECTIONS 1267, 1269, 1270 AND 1274 THEREOF, AND ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 1268A, ALSO RELATING TO BANK EXAMINER.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1267 of Chapter 100 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

“Sec. 1267. Inspection; examination; duties. Every bank, trust company, building and loan association, fiduciary company or loan company doing business in this territory, excepting national banks, shall be subject to the inspection of the bank examiner. The bank examiner or a duly appointed examiner shall visit every such bank, trust company, building and loan association, fiduciary company or loan company in every calendar year and whenever the bank examiner shall deem it necessary or expedient, and make a complete and careful examination of the condition and resources of such bank, trust company, building and loan association, fiduciary company or loan company, the mode of managing its business and conducting its affairs, the action of its officers and directors in the investment, management and disposition of its funds, and of funds and securities entrusted to it in any fiduciary capacity, the safety and prudence of its management, its policy of transacting business, the security afforded to persons dealing therewith, and whether such bank, trust company, building and loan association, fiduciary company or loan company is complying with the laws of this territory.

“The bank examiner shall keep in his office proper records showing the acts, matters and things by him done under the provisions of this Act.”

SECTION 2. Chapter 100 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto to be known as Section 1268A, to read as follows:

“Sec. 1268A. Illegal or unsafe practices; order directing discontinuance. When it shall appear to the bank examiner from any examination or report that any bank, trust company, building and loan association, fiduciary company or loan company has committed any violation of the law, or is conducting its business in an unsafe or unauthorized manner, he shall, by an order in writing,

direct the discontinuance of such illegal or unsafe or unauthorized practices and enforce strict conformity to the requirements of the law.

"If any bank, trust company, building and loan association, fiduciary company or loan company shall fail to comply with such order within the time therein specified, then the bank examiner may, and he is hereby empowered to exercise such supervision, control and management over such bank, trust company, building and loan association, fiduciary company or loan company, its officers, affairs and business as he may deem necessary for the public welfare; and further, if deemed so necessary by him, he may invoke the powers granted him in Section 1275, providing for the appointment of a receiver, the provisions of which are extended and made applicable hereto."

SECTION 3. Section 1269 of Chapter 100 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1269. Appraisal of assets by bank examiner; payment of cost. When a bank, trust company, building and loan association, fiduciary company or loan company shall have been examined by an examiner and he finds securities therein or held thereby in any fiduciary capacity which are, in his judgment, of doubtful value, he shall report the same to the bank examiner, who thereupon shall be authorized to investigate and appraise or have appraised said securities at the expense of the institution examined. The bank examiner if he finds in examining any bank, trust company, building and loan association, fiduciary company or loan company, that it is conducting its business or the business of others entrusted to it in any fiduciary capacity in an unsafe or unauthorized manner, may, in his discretion, or if requested to do so by any bank, trust company, building and loan association, fiduciary company or loan company, make an audit of the affairs of such bank, trust company, building and loan association, fiduciary company or loan company. The compensation for making such audit shall be paid by the bank, trust company, building and loan association, fiduciary company or loan company at the same per diem and expenses as allowed examiners."

SECTION 4. Section 1270 of Chapter 100 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1270. Special examination; extra services; payment of cost. Whenever, in the judgment of the bank examiner, the condition of any bank, trust company, building and loan association, fiduciary company or loan company renders it necessary or expedient to make an extra examination or to devote any extraordinary

attention to its affairs, the bank examiner shall have authority to make any and all extra or necessary examinations and to devote any necessary extra attention to the conduct of its affairs, and such bank, trust company, building and loan association, fiduciary company or loan company shall pay for all such extra services rendered by the bank examiner at the actual per diem cost and expenses of each man who may be engaged in such special service at the direction of the bank examiner."

SECTION 5. Section 1274 of Chapter 100 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1274. Semi-annual reports; publication; penalty. Every bank, trust company, building and loan association, fiduciary company or loan company shall submit to the bank examiner semi-annual reports as of June 30th and December 31st. The reports shall be filed within 30 days after said dates. Such reports shall be made in the form prescribed by the bank examiner and shall show the assets and liabilities, all losses sustained, expenses and taxes paid, gross earnings and profits, losses recovered since last report, payments made by stockholders and all amounts carried to surplus, undivided profits or dividends paid.

"(a) Every bank, trust company, building and loan association, fiduciary company or loan company, shall publish in the English language on or before the last Monday of January and July in every year, a statement of its assets and liabilities as of December 31st, and June 30th, respectively, in a form prescribed by the bank examiner, or as soon thereafter as circumstances will permit.

"(b) Failure of any bank, banker, trust company, building and loan association, fiduciary company or loan company to make and submit any of the reports required by this section shall subject such bank, banker, trust company, building and loan association, fiduciary company or loan company to a penalty of ten dollars (\$10.00) for each day such reports are delayed beyond the time allowed by this section."

SECTION 6. All laws and/or parts of laws in conflict with this Act are hereby repealed.

SECTION 7. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 149

[S. B. No. 228]

AN ACT TO SAFEGUARD THE PAYMENT OF PRINCIPAL AND INTEREST OF PUBLIC IMPROVEMENT BONDS OF THE COUNTIES OR CITY AND COUNTY NOW OUTSTANDING OR HEREAFTER TO BE ISSUED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 20, 21, 22, 23, 24 and 25 of "Acts of Legislature authorizing municipalities to issue bonds for public improvements (general)", as appearing on pages 1952 and 1953 of Volume II of the Revised Laws of Hawaii 1925, shall be and the same are hereby made applicable to all county and city and county public improvement bonds now outstanding or hereafter to be issued.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 150

[H. B. No. 62]

AN ACT AUTHORIZING AND DIRECTING THE TAX ASSESSOR OF THE FIRST TAXATION DIVISION TO AMEND THE TAX BOOKS AND LISTS OF THE FIRST TAXATION DIVISION, BY DELETING THEREFROM CERTAIN ITEMS OF TAXES, PENALTIES AND INTEREST ENTERED THEREIN AGAINST MRS. AUGUSTA BELL AND MISS HELEN F. BELL, FOR TAXES ASSESSED FOR THE YEAR 1927, TO WAIVE COLLECTION OF THE SAME AND GIVE DISCHARGES THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The tax assessor of the first taxation division is hereby authorized and directed to amend the tax books and lists of the first taxation division by deleting therefrom all items of taxes and penalties entered therein against Mrs. Augusta Bell and Miss Helen F. Bell, for taxes assessed and charged against them for the year 1927, as follows:

	Tax	Penalty	Total
Mrs. Augusta Bell.....	\$ 75.67	\$ 7.56	\$ 83.23
Miss Helen F. Bell.....	216.60	21.66	238.26

The tax assessor of the first taxation division is hereby further authorized and directed to waive collection of said taxes and penalties and all interest thereon up to and including the date of the approval of this Act, and to give Mrs. Augusta Bell and Miss Helen F. Bell full discharge for all such taxes, penalties and interest.

SECTION 2. This Act shall take effect on the date of its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 151

[H. B. No. 210]

AN ACT TO VALIDATE THE APPORTIONMENT OF CERTAIN PROPERTY TAXES ASSESSED TO UNION TITLE AND LAND COMPANY, LIMITED, IN THE YEAR 1929, AND TO ABROGATE AND DISCHARGE ANY AND ALL CLAIMS FOR ALLEGED DELINQUENCY ON ACCOUNT THEREOF.

WHEREAS, the Territory of Hawaii, as an addition to Lanakila School site, did condemn certain land situated on the northeast side of School Street, opposite Asylum Road, in Honolulu, and on June 18, 1928, did obtain a judgment condemning a certain area of land for such purpose, on which said last mentioned date the area of land so condemned stood in the name of Chinjiro Sakaki (k); that thereafter, by deed dated October 30, 1928, and recorded in the office of the registrar of conveyances, at Honolulu aforesaid, in liber 970, on pages 355-357, said Chinjiro Sakaki conveyed such area of land so condemned to Union Title and Land Company, Limited; that such area of land so condemned and so subsequent to October 30, 1928, was assessed for taxation purposes for the year 1929, to said Union Title and Land Company, Limited, and the first half of the taxes so assessed for the year 1929 was paid and discharged by said Union Title and Land Company, Limited, leaving the second half of the taxes so assessed for said year 1929, as a lien and charge on the area of land so condemned, and as a charge against said Union Title and Land Company, Limited; that on July 13, 1929, the Territory of Hawaii, in

accordance with the terms of said judgment of condemnation and as provided by law, took exclusive possession of the area of land so condemned and so covered by said judgment of condemnation, and said Union Title and Land Company, Limited, has not, since said last mentioned date, had possession or the use of said area of land so condemned or of any part thereof; and

WHEREAS, the sum of four hundred twenty-eight and 1/100 dollars (\$428.01) still stands as for uncollected 1929 taxes charged against said Union Title and Land Company, Limited, with alleged penalties, interest and costs; and

WHEREAS, by reason of the premises, said taxes so remaining as a charge against said Union Title and Land Company, Limited, should be ratably apportioned for the period of governmental ownership of said area of land so condemned to the extent of said sum of four hundred twenty-eight and 1/100 dollars (\$428.01), with all amounts incidental thereto for penalties, interest and costs; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That said apportionment of taxes, including penalties, interest and costs, remaining as a charge against Union Title and Land Company, Limited, for the taxable year 1929 covering the real property above described, is hereby validated and confirmed and any and all claims for alleged delinquency for or on account of such taxes so remaining as a charge against said Union Title and Land Company, Limited, is and are hereby abrogated and discharged.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 152

[H. B. No. 305]

AN ACT CONCERNING THE CONTROL OF NARCOTIC DRUGS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Definitions. The following words and phrases, as used in this Act, shall have the following meanings, unless the context otherwise requires:

(1) "Person" includes any corporation, association, copartnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this territory and any other person authorized by law to treat the sick and injured and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this territory.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this territory.

(5) "Manufacturer" means a person who by compounding, mixing (cultivating and growth), or other process, produces or prepares habit-forming drugs for sale on written orders, and does not include an apothecary who compounds habit-forming drugs to be sold or dispensed on prescription.

(6) "Wholesaler" means a person who supplies habit-forming drugs on written orders.

(7) "Apothecary" means a licensed pharmacist or druggist as defined by the laws of this territory.

(8) "Practitioner" means a person having control of habit-forming drugs under the provisions of paragraphs C, D, E, and of Sub-section 1 of Section 5 of this Act.

(9) "Hospital" means a hospital approved by the board of health of the Territory of Hawaii as proper to be entrusted with the custody and professional use of narcotic drugs under the direction of a physician.

(10) "Laboratory" means a laboratory approved by the board of health of the Territory of Hawaii as proper to be entrusted with the custody of narcotic drugs and the use of them for scientific and clinical purposes and for purposes of instruction.

(11) "Sale" includes barter, exchange or giving away, or offering therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(12) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation thereof.

(13) "Opium" includes morphine, codeine, diacetylmorphine and heroin, and any compound, manufacture, salt, derivative, mixture or preparation thereof, but does not include apomorphine or any of its salts.

(14) "Habit-forming drugs" means coca leaves and opium.

(15) "The Federal Narcotic Act" means the Act of Congress, entitled "An Act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations and for other purposes," approved December seventeenth, nineteen hundred and fourteen, and Acts amendatory thereof.

(16) "Written order" means an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under authority of the Federal Narcotic Act, or on an official form provided for that purpose by the board of health of the Territory of Hawaii.

(17) "Authorized" means authorized by federal or territorial law.

(18) "Dispense" includes distribute, leave with, give away, dispose of and deliver.

SECTION 2. Acts dangerous to public health. Any unauthorized production, manufacture, possession, control, sale, prescribing, administering, dispensing or compounding of habit-forming drugs is hereby declared to be dangerous to the public health and a menace to the public welfare.

SECTION 3. Acts prohibited. It shall be unlawful for any person to produce, manufacture, possess, have under his control, sell, prescribe, administer, dispense or compound any habit-forming drug, except as provided in this Act.

SECTION 4. Production and manufacture authorized. No person shall produce or manufacture habit-forming drugs unless he has been authorized so to do by the board of health of the Territory of Hawaii. Licenses issued by said board shall be issued under regulations promulgated by said board with the approval of the governor, to restrict production and manufacture to medical and scientific purposes, and shall be renewable annually on the first day of January.

SECTION 5. Sale on written orders.

1. By whom and to whom sold. A manufacturer, wholesaler, or apothecary may sell or distribute habit-forming drugs only to any of the following persons upon written orders:

A. To a manufacturer, wholesaler or apothecary.

B. To a physician, dentist or veterinarian.

C. To a public or private hospital.

D. To a person in charge of a laboratory where habit-forming drugs are used for scientific or medical research, but only for use in such laboratory.

E. To a person in the employ of the United States or of this territory or any political subdivision thereof, purchasing or receiving the drug by reason of his official duties.

F. To a captain or proper officer of a ship upon which no regular physician is employed, for the actual medical needs of the officers, passengers and crew when not in port.

Provided, however, that both parties to the transaction in each of the above cases are registered under the Federal Narcotic Act, if required by such Act to be registered.

2. Use of written orders. A written order for the supply of any habit-forming drug shall be signed in duplicate by the person giving it or by his duly authorized agent, one duplicate of which shall be presented to the person who sells or distributes such habit-forming drugs and in the event of his acceptance of such order, each party shall preserve his duplicate of such order for a period of two years in such a way as to be readily accessible for inspection and it shall be subject to inspection by any public officer or employee engaged in the enforcement of this Act. It shall be deemed a compliance with this sub-section if the person giving the order shall have complied with the provisions of the Federal Narcotic Act respecting the requirements governing order blanks under said Act.

3. Possession lawful. Possession of or control of habit-forming drugs obtained as provided in this section, shall be lawful if in the regular course of business, occupation, profession, employment or duty of the possessor.

4. This section shall not apply to the supplying of habit-forming drugs on prescriptions or to the administering and dispensing of such drugs by physicians, dentists and veterinarians.

SECTION 6. Prescriptions. An apothecary may sell or dispense habit-forming drugs to any individual upon a written prescription of a physician, dentist or veterinarian, dated and signed on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which the drug is dispensed, and the name, address and registry number of the person prescribing under the Federal Narcotic Act, if he is required

by it to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the apothecary filling it for a period of two years, so as to be readily accessible for inspection and it shall be subject to inspection by any public officer or employee engaged in the enforcement of this Act. The prescription shall not be refilled. No prescription shall be filled later than the third day next following the day of its issue.

SECTION 7. Professional use of habit-forming drugs.

1. Physicians. A physician, in good faith and in the course of his professional practice only, may prescribe, administer or dispense habit-forming drugs, and he may cause the same to be administered by a nurse or intern under his direction and supervision.

2. Dentists. A dentist, in good faith and in the course of his professional practice only, may prescribe, administer, or dispense habit-forming drugs, or he may cause the same to be administered by a nurse or intern under his direction and supervision.

3. Veterinarians. A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, administer or dispense habit-forming drugs.

4. Any person who has obtained from a physician, dentist or veterinarian any habit-forming drug for administration to a patient during the absence of such attending physician, dentist or veterinarian shall immediately return to such physician, dentist or veterinarian any unused portion of such drug, when it is no longer required by the patient.

SECTION 8. Preparations exempted. This Act shall not apply to the sale at retail, administering, dispensing and prescribing of any medical preparation which contains not more than two grains of opium, nor more than one-quarter of a grain of morphine, nor more than one grain of codeine, nor more than one-eighth of a grain of heroin, or quantities of any salt or derivative of any of them of no greater pharmacologic potency, in one fluid ounce, or, if in a solid or semi-solid preparation, in one avoirdupois ounce; nor to liniments, ointments and other preparations susceptible of external use only, except liniments, ointments and other preparations which contain cocaine or any salt or derivative thereof; provided, that the quantity of any such preparation dispensed or pre-

scribed during any consecutive twenty-four hours, to any one purchaser or for the use of any one person or animal shall not, with knowledge of the physician, dentist or veterinarian or pharmacist selling, administering, dispensing or prescribing the same, contain in the aggregate more than four grains of opium, or more than one-half grain of morphine, or more than one-eighth grain of heroin, or more than two grains of codeine, or a quantity of any salt or derivative of any of them of any greater pharmacologic potency; provided, further, that the preparation sold, administered, dispensed or prescribed contains in addition to the habit-forming drug in it, some drug or drugs adapted in quantity and quality to prevent the use of the preparation for the gratification of narcotic addiction; provided, further, that the purchaser is personally known to the physician, dentist, veterinarian or pharmacist selling, administering, dispensing or prescribing said preparation, or duly vouched for to him; and provided, further, that such preparation is sold, administered, dispensed or prescribed in good faith, as a medicine to relieve or cure some known physical or mental suffering, disease or injury, and not for the purpose of evading the provisions of this Act.

SECTION 9. Record to be kept.

1. Physicians, dentists, veterinarians and practitioners. Every physician, dentist, veterinarian and practitioner shall keep a record of all habit-forming drugs received and administered, dispensed or used by him, showing the amount received and administered, dispensed or used. Provided, that it shall be deemed a sufficient compliance with this sub-section if a physician or dentist who uses small quantities of solutions or other preparations of habit-forming drugs for local application keep a record of the quantity, character and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

2. Producers, manufacturers and wholesalers. Producers, manufacturers and wholesalers shall keep records of all habit-forming drugs produced, received and disposed of by them.

3. Apothecaries. Apothecaries shall keep a record of the habit-forming drugs received and disposed of by them.

4. Exempted preparations and remedies. Every manufacturer of exempted preparations or remedies shall keep a record of the amount of habit-forming drugs received and of all sales of exempted preparations or remedies, and every dealer therein shall keep a record of all receipts and sales of preparations and remedies exempted hereunder.

5. Form and preservation. The form of record shall be prescribed by the board of health of the Territory of Hawaii. The record of drugs received shall contain the date, the name of the person from whom received, and kind and quantity of drugs. The record of drugs sold, administered or dispensed, shall contain the date, name of the person for whom, or owner of the animal for which, sold, administered or dispensed, and kind and quantity of drugs. Every such record shall be kept for a period of two years from the date of transaction recorded. A record required by or under the Federal Narcotic Act containing substantially the same information shall be a compliance with this section.

SECTION 10. Labels. Whenever a producer, manufacturer or wholesaler of habit-forming drugs, or an apothecary, sells or dispenses any such drug to a producer, manufacturer or wholesaler thereof, or to an apothecary, physician, dentist, veterinarian or practitioner, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor or dispenser and the amount, quantity, kind and form of narcotic drug contained therein. Whenever an apothecary shall sell or dispense any habit-forming drug on a prescription issued by a physician, dentist or veterinarian, he shall affix to the bottle or other container in which said drug is sold or dispensed his name, address and registry number, the serial number of the prescription, the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal, the name, address and registry number of the physician, dentist or veterinarian by whom the prescription is written, and such directions as may be stated on the prescription. No person shall alter, deface or remove any label so affixed, except for the purpose of replacing it by his own lawful authorized label.

SECTION 11. Authorized possession of drugs by individual. A person to whom or for whose use any habit-forming drug has been sold or dispensed by an apothecary, physician, dentist or practitioner, or the owner of an animal for which any such drug has been prescribed or dispensed by a veterinarian, may lawfully possess it in the container delivered to him by the person selling or dispensing the same.

SECTION 12. Cannabis indica, cannabis americana and cannabis sativa. No person shall plant, cultivate, produce, manufacture, possess, have under his control, sell, prescribe, administer, dispense or compound cannabis indica, cannabis americana or cannabis sativa, or any preparation or derivative thereof, or offer the same for sale, administering, dispensing or compounding. Provided,

that nothing in this section shall apply to the planting, cultivation, production, manufacture, possession, control and sale, for medicinal and scientific purposes, by producers, manufacturers, wholesalers and apothecaries, or to the administering, dispensing, prescribing, compounding and use, for medicinal and scientific purposes, by physicians, dentists, veterinarians and practitioners; and provided, further, that this section shall not apply to preparations produced, manufactured, possessed, controlled, sold, prescribed, administered, dispensed, compounded, or used in good faith for medicinal and scientific purposes, which do not contain more than one-half grain of the extract of cannabis indica, cannabis americana or cannabis sativa, or of any other derivative or preparation of cannabis indica, cannabis americana or cannabis sativa of any greater pharmacologic potency, in one fluid ounce, or, if a solid or semi-solid preparation, in one avoirdupois ounce; or to liniments, ointments or other preparations containing cannabis indica, cannabis americana or cannabis sativa or derivatives thereof, which are prepared for external use and susceptible of such use alone.

SECTION 13. Exemption from restrictions.

1. Common carriers, employees, public officers. The provisions of this Act restricting the possession or having control of habit-forming drugs shall not apply to common carriers or warehousemen or their employees engaged in lawful transportation or storage of such drugs, nor to public officers or employees while engaged in the performance of their official duties requiring possession or control of habit-forming drugs, nor to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in the performance of their official duties.

2. Foreign commerce. This Act shall not apply to acts done or to habit-forming drugs possessed in the course of foreign commerce.

SECTION 14. Common nuisances. Any store, shop, warehouse, building, vehicle, steamboat, vessel, or any place whatever, which is resorted to by drug addicts for the purpose of using habit-forming drugs, or which is used for the illegal keeping or sale of the same, shall be deemed a common nuisance. Whoever keeps or maintains such a common nuisance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment not exceeding one year or by both such fine and imprisonment in the discretion of the court; and whoever shall resort to or frequent any such place as described above, for the purpose of using any narcotic habit-forming drugs, shall be guilty of a misde-

meanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not exceeding one year or by both such fine and imprisonment in the discretion of the court.

SECTION 15. Drugs delivered to state official, etc. All habit-forming drugs, rightful possession of which is not claimed, or the title to which cannot be ascertained, and which have come into the hands of a peace officer, shall be disposed of as follows:

A. Upon the direction of the magistrate by whom said forfeiture shall have been ordered, said drugs shall be destroyed. A record of the place where the drugs were seized and of the drugs so destroyed shall be kept, and a return of said destruction shall be made to the magistrate by the officer who destroys them.

B. Upon written application therefor said drugs may be ordered by said magistrate to be delivered to the board of health of the Territory of Hawaii.

C. All drugs in the final possession of the board of health of the Territory of Hawaii may be disposed of or destroyed under its direction.

SECTION 16. Notice of conviction to be sent to licensing board. On the conviction of any physician, dentist, veterinarian, practitioner, apothecary, manufacturer, wholesaler or producer, of the wilful violation of any of the provisions of this Act, a copy of the sentence and of the opinion of the court or magistrate, if any be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed to practice his profession or to carry on his business.

SECTION 17. Records confidential. Prescriptions, orders and records required by this Act shall be open for inspection only to federal, territorial, county and municipal officers whose duty it is to enforce the laws of this territory or the Federal Narcotic Act. No officer having knowledge by virtue of his office of any such prescription, order or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing board or officer, to which prosecutions or proceeding the person to whom such prescriptions, orders or records relate is a party.

SECTION 18. Fraud or deceit. No person shall obtain or attempt to obtain habit-forming drugs, or to procure the administration of habit-forming drugs, by fraud, deceit, misrepresentation or subterfuge; or by the forgery or alteration of a prescription or

written order; or by the concealment of a material fact; or by the use of a false name or the giving of a false address. Information communicated to a physician in an effort unlawfully to procure habit-forming drugs, or the administration of such drugs, shall not be deemed a privileged communication. No person shall wilfully make a false statement in any prescription, order, report or record required by this Act. No person shall, for the purpose of obtaining a habit-forming drug, falsely assume the title of or represent himself to be a producer, manufacturer, wholesaler, apothecary, physician, dentist, veterinarian or practitioner, or make or utter any false or forged order or prescription. No person shall affix any false or forged label to a package or receptacle containing habit-forming drugs.

SECTION 19. Exceptions and exemptions not required to be negated. In any complaint, information, indictment and in any action or proceeding brought for the enforcement of any of the provisions of this Act, it shall not be necessary to negative an exception or exemption, and the burden of offering proof of any such exception or exemption shall be upon the defendant.

SECTION 20. Enforcement. This Act shall be enforced by the board of health of the Territory of Hawaii.

SECTION 21. Penalties. Any person violating any provision of this Act, upon conviction (unless some other specific penalty is provided by this Act for the offense of which he is convicted), shall be punished, for the first offense, by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment, and for any subsequent offense, by a fine not exceeding two thousand dollars (\$2,000.00), or by imprisonment for a period not exceeding one year, or by both such fine and imprisonment.

SECTION 22. Acquittal or conviction under Federal Narcotic Act. No person shall be prosecuted for a violation of any of the provisions of this Act if such person shall have been prosecuted and duly acquitted or convicted under the Federal Narcotic Act for the same, or substantially the same act or omissions which, it is alleged, constitute a violation of this Act.

SECTION 23. Constitutionality. If any part of this Act is for any reason held to be unconstitutional such decision shall not affect the constitutionality of the remaining parts of the Act. The legislature hereby declares that it would have passed this Act and each part thereof irrespective of the fact that any part be declared to be unconstitutional.

SECTION 24. Interpretation. This Act shall be so interpreted as to effectuate its general purpose, to make uniform the laws of those jurisdictions which enact it.

SECTION 25. Inconsistent laws repealed. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

SECTION 26. Name of Act. This Act may be cited as the Uniform Narcotic Drug Act.

SECTION 27. Time of taking effect. This Act shall take effect July 1, 1931.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 153

[H. B. No. 371]

AN ACT TO REIMBURSE THE WAIALUA AGRICULTURAL COMPANY, LIMITED, FOR RENT PAID TO THE TERRITORY OF HAWAII IN ADVANCE ON PROPERTY LATER CONVEYED BY THE TERRITORY TO SAID WAIALUA AGRICULTURAL COMPANY, LIMITED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of the general funds of the Territory of Hawaii the sum of one hundred twelve and 8/100 dollars (\$112.08), being portion of rent paid in advance by the Waialua Agricultural Company, Limited, on land leased by it from the Territory of Hawaii under government lease number 1295, which said land was later and during the term of the lease conveyed by deed of the Territory of Hawaii to the Waialua Agricultural Company, Limited, and the lease thereupon cancelled, said one hundred twelve and 8/100 dollars (\$112.08) being that portion of the rent paid in advance from the date of the said deed to the next rental date under said lease.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 154

[H. B. No. 424]

AN ACT TO ABROGATE AND DISCHARGE CERTAIN DELINQUENT TAXES ASSESSED AGAINST JARED G. SMITH.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. All taxes assessed against Jared G. Smith for the years 1912 to 1930, inclusive, on personal property used in the cultivation and manufacture of cigar tobacco in South Kona, Third Taxation Division, Hawaii, and amounting to one thousand five hundred fifty-one and 40/100 dollars (\$1,551.40), are, together with penalties and interest thereon, hereby abrogated and discharged.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 155

[H. B. No. 426]

AN ACT TO AUTHORIZE THE TREASURER OF THE TERRITORY OF HAWAII TO MAKE REPAYMENT OF THE SUM OF SIX HUNDRED EIGHTY-SEVEN AND 52/100 DOLLARS (\$687.52) BELONGING TO HEIRS OF GREGORIO SOLEDAD, PROBATE NO. 5830, DISCOVERED SOON AFTER DEPOSITING SAID MONEY IN SAID TREASURY.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized to make repayment to the chief clerk of the circuit court, first judicial circuit of the Territory of Hawaii, to be by him distributed to the heirs of Gregorio Soledad, Probate No. 5830, according to the decree of said court.

SECTION 2. The said sum of six hundred eighty-seven and 52/100 (\$687.52) is hereby appropriated to come out of the general fund in the department of said treasurer of the Territory of Hawaii.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 156

[H. B. No. 427]

AN ACT TO AUTHORIZE THE TREASURER OF THE TERRITORY OF HAWAII TO REIMBURSE THE CLERK OF THE CIRCUIT COURT, FIRST JUDICIAL CIRCUIT, TERRITORY OF HAWAII, WITH THE SUM OF THIRTY AND 39/100 DOLLARS (\$30.39).

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized to pay the chief clerk of the circuit court of the first judicial circuit of the Territory of Hawaii, the sum of thirty and 39/100 dollars (\$30.39) erroneously paid to the treasurer of the Territory of Hawaii, out of the general fund in his department, taking the receipt of said clerk for such repayment.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 157

[H. B. No. 164]

AN ACT TO AMEND PARAGRAPH 1 OF SECTION 44 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 177 OF THE SESSION LAWS OF 1929, RELATING TO PRIMARY ELECTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Paragraph 1 of Section 44 of the Revised Laws of Hawaii 1925, as amended by Act 177 of the Session Laws of 1929, is hereby further amended to read as follows:

“Sec. 44. Voting. 1. The polls at primaries shall be opened by the inspectors at 7:00 o'clock upon the morning of the election day, and shall be kept open continuously until 5:00 o'clock in the evening of said day; provided, however, that in the City and County of Honolulu, the polls shall be closed at 5:30 o'clock in the evening.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 158

[S. B. No. 209]

AN ACT TO AMEND CHAPTER 86 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DENTAL HYGIENISTS, BY AMENDING SECTION 1083 THEREOF AND BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 1085A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1083 of the Revised Laws of Hawaii 1925, as amended by Act 149 of the Session Laws of 1927, is hereby amended to read as follows:

"Sec. 1083. Who may become dental hygienists. Any person of good moral character being eighteen years of age or over and holding or having a diploma or a proper certificate of graduation from an accredited high school employing at least a four year course of instruction and likewise holding and having a diploma or proper certificate of graduation from an American training school for dental hygienists employing at least a two year course, accredited and recognized by the board of dental examiners, may, upon written application made to and filed with the secretary of the board of dental examiners at least thirty days prior to the date selected by the board for the examination, be examined by such board for qualification as a dental hygienist.

"The application for examination shall be accompanied by the applicant's certificate of graduation as aforesaid, and at the time of filing the same, such applicant shall pay to the board of dental examiners an examination fee of fifteen dollars (\$15.00), which fee, together with all other fees or charges in this chapter provided, shall be held by the treasurer of said board as a special fund to carry out the provisions thereof.

"Two examinations shall be held in each year, one in July and one in December. Such examinations shall be conducted in the English language and shall cover subjects considered essential by said board for a dental hygienist and shall likewise include a practical examination on the removal of deposits or stains from the exposed surfaces of the teeth. The board shall furnish a chair and engine, but the applicant shall supply all necessary instruments, materials and patients for such examination.

"If the applicant, in the opinion of the board, successfully passes such examination, he or she shall be registered and receive a certificate of ability to practice as a dental hygienist in this territory. Every registered dental hygienist, before entering practice,

shall pay the said board one dollar (\$1.00) as a registration fee, and secure from it an annual license to practice. Before the first of May in each year, every registered dental hygienist desiring to begin or continue to practice in the Territory of Hawaii, shall pay to the board of dental examiners a fee of one dollar (\$1.00) for the annual registration thereof. The failure, neglect or refusal of any such duly licensed dental hygienist to pay such annual registration fee during the time his or her license shall remain in force shall constitute a forfeiture of such license, but such license may be restored upon written application therefor and the payment to said board of the sum of fifteen dollars (\$15.00).

"It shall be the duty of every dental hygienist practicing dental hygiene in this territory, to furnish the board of dental examiners with his place of employment and the name of the dentist or institution by whom he is employed.

"No person shall practice dental hygiene in the Territory of Hawaii, either gratuitously or for pay, or shall offer or attempt so to practice, or shall advertise or announce himself publicly or privately as prepared or qualified so to practice, without having a license as in this section provided, nor shall any licensed dental hygienist practice except under the supervision of a licensed dentist as in this chapter provided."

SECTION 2. Chapter 86 of the Revised Laws of Hawaii 1925, is hereby amended by adding a new section thereto, to be known as Section 1085A, to read as follows:

"Sec. 1085A. Revocation of dentist's license. The board of dental examiners may revoke the license of any dentist who shall permit any dental hygienist employed by or working under his supervision to perform any dental operation other than that permitted under the provisions of this chapter. Provided, before any license shall be revoked the holder thereof shall be notified in writing of the grounds for revocation and shall be given an opportunity to present evidence and be heard by said board."

SECTION 3. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 159

[S. B. No. 214]

AN ACT APPROPRIATING A SUM TO REIMBURSE THE HENRY WATERHOUSE TRUST COMPANY, LIMITED, FOR AN INHERITANCE TAX IMPROPERLY COLLECTED ON A LEGACY TO MRS. BOK SOON LEE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of the general revenues of the Territory of Hawaii the sum of thirty-three and 25/100 dollars (\$33.25) to be paid to the Henry Waterhouse Trust Company, Limited, as a reimbursement for an inheritance tax improperly collected from it as executor of the will of Thomas H. Dunkin on a legacy of one thousand dollars (\$1,000.00) to Mrs. Bok Soon Lee, a resident of the Territory of Hawaii.

SECTION 2. This amount shall be paid by the treasurer of the territory upon warrant issued by the auditor based upon a voucher approved by the treasurer of the territory.

SECTION 3. This Act shall take effect on its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 160

[H. B. No. 75]

AN ACT TO AMEND SECTION 47 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO RESULTS OF PRIMARY ELECTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Paragraph 1 of Section 47 of the Revised Laws of Hawaii 1925, is hereby amended by adding at the end thereof a new proviso to read as follows:

"Provided, further, that any candidate for any office (1) who is the sole candidate for such office at the primary election, or (2) who is opposed only by a candidate or candidates running on his own party ticket and is not opposed by any candidate running on any other ticket, non-partisan or otherwise, and is nominated

at such primary as his party's candidate for such office, shall, after such primary, be deemed and declared to be duly and legally elected to the office for which he is a candidate at such primary, regardless of the number of votes received by him."

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 161

[H. B. No. 85]

AN ACT TO PROVIDE FOR THE REIMBURSEMENT OF MARGARET MOTT PAULOS FOR INJURIES SUSTAINED BY HER WHILE IN THE EMPLOY OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of any moneys in the treasury received from general revenues the sum of two thousand nine hundred thirty-one and 75/100 dollars (\$2,931.75) to be expended as herein provided to compensate Margaret Motta Paulos for injuries sustained by her as a result of an accident suffered while in the employment of the Territory of Hawaii and to reimburse her for expenses incurred in connection therewith.

SECTION 2. Of the sum herein appropriated one thousand eight hundred sixty-nine and 75/100 dollars (\$1,869.75) shall be paid to said Margaret Motta Paulos upon the enactment hereof upon a warrant issued by the auditor of the Territory of Hawaii.

SECTION 3. Three hundred and sixty dollars (\$360.00) of the total appropriated herein shall be paid to said party in five monthly payments of seventy-two dollars (\$72.00) each to be paid as of the last day of each month, April 1931 to August 1931, both inclusive, upon warrants issued by the auditor of the Territory of Hawaii.

SECTION 4. The remaining seven hundred and two dollars (\$702.00) of said appropriation being an allowance for a possible permanent partial disability of up to fifteen per centum (15%) shall become available only upon the delivery to the auditor of the Territory of Hawaii of a statement or certificate of final discharge by the claimant's attending physician prepared in accord-

ance with the regulations of the industrial accident boards showing that she is entitled to said fifteen per centum (15%) permanent partial disability allowance or any portion thereof. Upon the delivery of such statement or certificate the portion of said seven hundred and two dollars (\$702.00) to which the claimant is thereon shown to be entitled to shall be paid upon a warrant issued by the auditor of the Territory of Hawaii, provided, however, that such statement or certificate shall be delivered to the auditor on or about August 31, 1931, and that if it is not delivered before September 30, 1931, the said seven hundred and two dollars (\$702.00) as herein appropriated shall lapse. Any portion of said sum remaining after the payment of the permanent partial disability allowance shall similarly lapse on September 30, 1931.

SECTION 5. The industrial accident board of the City and County of Honolulu is hereby directed to incorporate in its files a full record of this case and of its disposition by this Act.

SECTION 6. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 162

[S. B. No. 124]

AN ACT PROVIDING PENSIONS FOR CERTAIN PERSONS HEREIN NAMED, AND AUTHORIZING AND DIRECTING THE COUNTY OF HAWAII TO PAY SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the county of Hawaii is hereby authorized and directed to pay each month, out of such funds as may be properly chargeable therewith, beginning with the month of July, 1931, and to continue for the term of their natural lives, the sums set opposite the respective names as follows:

Mrs. Elizabeth Kamahoahoa.....	\$ 60.00
Mrs. Maria J. Carvalho.....	50.00
Mrs. Alice K. Kunane.....	50.00
J. P. Hale.....	60.00
John de Gouveia.....	40.00
Hoomana Hooikaika	30.00
Kele Pinao	60.00

Mrs. Kaliko Williams.....	30.00
Daniel Lansing	40.00
Mrs. E. H. Lyman.....	50.00
Charles N. Perez.....	60.00
Martin Campbell	30.00
John Sniffen	40.00
Akoni Pelo	30.00
Mrs. Robert Makahalupa.....	50.00

provided, however, that no beneficiary under this Act shall be permitted to draw the pension specified in this Act, or any portion thereof, if said beneficiary is holding any salaried position of the United States, Territory of Hawaii, or any political subdivision thereof; and provided, further, that the pensions for widows, under this Act, shall cease upon their remarriage.

SECTION 2. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 163 [S. B. No. 126]

AN ACT TO AMEND SECTIONS 161, 1478 AND 2679 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO CONTRACTS AND BONDS FOR PUBLIC WORK AND THE EXPENDITURE OF PUBLIC MONEY THEREUNDER.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 161 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 161. Sureties, justification of. Whenever by any law, regulation, ordinance, order of court, or any rules of any department of the territorial government or of any subdivision thereof, now or hereafter in force, it shall be required of any person to give any written bond or undertaking for the performance of any contract or the provisions of any license, or for the indemnity or security of any person, party or any officer, except as otherwise provided in Section 1478, there shall be attached to such bond or undertaking an affidavit of each of the sureties thereon, duly verified by oath, from which it shall appear that the sureties have property situate within the territory subject to execution and that the sureties taken together are worth in such property the amount

of the penalty specified in the bond or undertaking, over and above all of their debts and liabilities; in default of which justification no such bond or undertaking shall be accepted; provided, however, that if any such bond or undertaking shall be executed by the principal and by any corporation, organized for the purpose of becoming surety on such bonds, authorized under the laws of the United States or of the territory to act as surety, and doing business in the territory under the provisions of the laws of the United States or of the territory, if a foreign corporation, and under the laws of the territory, if a Hawaiian corporation, may be accepted as surety on such bonds in lieu of the personal sureties hereinbefore required, whenever, in the opinion of the officer or officers whose duty it is to approve such bond, the rights of all parties in interest will be fully protected; and further provided, that when the surety on any such bond is such corporation, no such justification shall be required."

SECTION 2. Section 1478 of said Revised Laws is hereby amended to read as follows:

"Sec. 1478. Contracts; security; bids and conditions attending. All such contracts shall be in writing, shall be executed in the name of the territory, county or city and county, as the case may be, by the officer letting the same, and shall be made with the lowest responsible bidder, provided such bidder shall qualify by providing the security herein required, after publication of a call for tenders, for not less than ten days, in a newspaper of general circulation printed and published within the territory. The officer calling for bids may reject any or all bids and waive any defects when in his opinion such rejection or waiver will be for the best interest of the public. Before any contract shall be entered into the party with whom the same is proposed to be made shall give security for the performance thereof by a good and sufficient bond conditioned for the full and faithful performance of the contract in accordance with the terms and intent thereof and also for the prompt payment to all others for all labor and materials furnished by them to him and used in the prosecution of the work provided for in such contract, which bond shall be in an amount equal to fifty per cent of the contract price or of the cost of the work as previously estimated by the territory, county or city and county, whichever is higher. Such bond shall also by its terms inure to the benefit of any and all persons entitled to file claims for labor performed or materials furnished in the work so as to give them a right of action as contemplated by Section 2679. A surety company authorized to do business under the laws of the territory may be accepted as surety on such bond, whenever in the opinion of the officer letting the contract, the rights of all parties in interest

will be fully protected. If the surety or sureties on such bond, whether individual or corporate, shall be other than a surety company authorized to do business under the laws of the territory, there shall be not more than four such sureties who shall severally justify in such amounts as, taken together, will aggregate the full amount of the bond; provided that in the case of such other sureties the officer letting the contract shall require that such surety shall also severally deposit with him certified checks or certificates of deposit (payable on demand or after such period as such officer may stipulate) or bonds, stocks or other negotiable securities, and/or execute and deliver to such officer a deed or deeds of trust of real property, all of such character as shall be satisfactory to such officer, each surety to furnish such security to the full cash value of one hundred per cent of the amount for which he shall so have justified; provided, further, that the superintendent of public works or other awarding officer may in his discretion waive the necessity of furnishing such security, to any extent that he may deem warranted, in cases where, upon an actual examination, he shall be satisfied as to the financial responsibility of the proposed surety or sureties; provided that if there be but one personal surety he shall so justify for the full amount of the bond. Any such bidder may furnish a bond executed by him alone, as principal, if in lieu of any surety or securities, he shall similarly furnish security in certified checks, certificates of deposit, and/or other securities, as above provided. The values at which securities may be accepted under any of the foregoing provisions shall be as shall be determined by the said officer. When any principal or surety shall have made any such deposit hereunder the same shall be held by the officer until the terms of the contract and bond shall be fully complied with, and in the event of any default thereunder the same shall be subject to sale and may be sold by such officer and the proceeds applied toward the satisfaction first of the claims of the territory, county or city and county (as the case may be) and then of the claims of persons who shall have furnished labor or materials used in the work and shall establish such claims in the manner contemplated by Section 2679. Any sale of property held as security as aforesaid shall be at public auction to the highest bidder after publication of notice of such sale once in each of three successive weeks in a newspaper of general circulation in the territory printed and published in Honolulu or in the county in which the work was contracted to be performed, the last publication to be at least fourteen days prior to the date advertised for the sale. Any party depositing any such securities may, with the approval of the officer having the custody thereof, exchange other securities or money for any of the deposited securities if in the judgment of such officer the substituted securities or money shall be at least equal in value to those withdrawn.

"All bids shall be accompanied by a deposit of legal tender or by a certificate of deposit or certified check on a bank doing business within the territory, for or in a sum equal to five per cent of the amount bid, payable at sight to the officer advertising for tenders; provided, however, that, when the amount bid exceeds fifty thousand dollars, the said certificate of deposit or certified check shall be for two thousand five hundred dollars plus two per cent of the amount in excess thereof. If the bidder to whom the contract is proposed to be awarded shall fail or neglect to enter into the contract and furnish satisfactory security within ten days after such award or within such further time as such officer may allow, such officer shall pay the amount of such deposit into the treasury as a realization of the territory, county or city and county, as the case may be. If the contract is entered into and the security furnished within such required time such deposit, certificate or check shall be returned to the successful bidder. The deposits made by the unsuccessful bidders shall be returned to them after the award of the contract.

"All bids shall be sealed and delivered to the officer advertising therefor and shall be opened by him at the hour and place to be stated in the call for tenders in the presence of all bidders who attend, and may be inspected by any bidder. All bids which do not comply with the requirements of the call for tenders shall be rejected."

SECTION 3. Section 2679 of said Revised Laws is hereby amended to read as follows:

"Sec. 2679. Procedure. Whenever any person shall enter into a contract with the territory for the construction or repair of any public building or other public work, for which any public money is required to be expended under Chapter 107, the bond required shall be conditioned for the due and faithful performance of the contract, and also for the prompt payment to all others for all labor and materials furnished by them to him and used in the prosecution of the work provided for in such contract; and all persons who shall have furnished labor or materials used in the prosecution of such work and not paid for may intervene and be made parties to any action instituted by the territory on such bond, and have their rights and claims adjudicated in such action, and judgment rendered thereon; subject, however, to the priority of the claim and judgment of the territory. If the full amount of the liability of the sureties on such bond is insufficient to pay the full amount of such claims, then, after paying the full amount due the territory, the remainder shall be distributed pro rata among the intervenors. If no suit shall be brought by the territory within two months from the completion and final settlement of any con-

tract, any person or persons who shall have furnished labor and materials as aforesaid shall, upon applying therefor, and furnishing an affidavit to the superintendent of public works or other officer or officers representing the territory in the matter of such contract that labor or materials for the prosecution of such work have been furnished by him or them, and that payment therefor has not been made, be furnished with a certified copy of the contract and bond, upon which he or they shall have a right of action, and shall be and are authorized to bring suit in the name of the territory in the circuit court of the circuit in which the contract was to be performed and executed, irrespective of the amount in controversy in such suit, and not elsewhere, for his or their use and benefit, against the contractor and his sureties, and to prosecute the same to final judgment and execution; provided, that where suit is instituted by any such creditors on the bond of the contractor, it shall not be commenced until after the complete performance of the contract and final settlement thereof, and shall be commenced within four months after such performance and final settlement, and not later; and provided further, that where suit is so instituted by any such creditor or creditors, only one action shall be brought, and any other creditor may file his claim in such action and be made party thereto within five months after such performance and final settlement, and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. The surety or sureties on the bond may pay into court, for distribution among said claimants and the creditors, the full amount of the sureties' liability, to-wit, the penalty named in the bond, less any amount which the surety or sureties may have had to pay to the territory by reason of the execution of said bond, and upon so doing, the surety or sureties shall be relieved from further liability; provided, further, that in all suits instituted under the provisions of this chapter, such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors; and in addition thereto, notice thereof shall, immediately upon the institution of the suit, be given by publication in some newspaper of general circulation, published in the territory, at least once in each of three successive weeks, the last publication to be at least one month before the expiration of said five months period. The term 'final settlement' as used in this section shall be deemed to mean the time when the contracting officer of the territory (or his successor), shall publish notice that he has determined and certified to the amount deemed by him to be due to or from the contractor after the work called for by the contract is fully completed (although full payment is not then

made and the amount may be subject to change), which notice shall be published in a newspaper of general circulation in the territory printed and published in Honolulu or in the county in which the work was contracted to be performed.

“All provisions of this section shall apply with equal force and effect to all such formal contracts entered into with a county or city and county of the territory, in which cases the word ‘territory’ as used in this section shall be construed to mean and include the ‘county’ or ‘city and county’, as the case may be, and the references to the officer or officers of the territory shall be construed to mean and include the ‘board of supervisors’ of such county or city and county.

“Provided, that this section shall not apply to contracts between governmental agencies or subdivisions and other governmental agencies or subdivisions.”

SECTION 4. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 5. This Act shall take effect upon its approval but shall not apply to contracts awarded on bids called for prior to the taking effect of this Act.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD.
Governor of the Territory of Hawaii.

ACT 164

[S. B. No. 127]

AN ACT TO AMEND SECTION 1477 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO EXPENDITURE OF PUBLIC MONEYS AND PROCEDURE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1477 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by adding at the end thereof the following paragraphs:

“Before any prospective bidder shall be entitled to submit any bid for the performance of any contract with the Territory of Hawaii, or the city and county of Honolulu, or with any agency of either for the construction of any public building or other public

work (not including contracts between governmental agencies or subdivisions) the officer charged with letting such contract shall require answers, under oath, to questions contained in a standard form of questionnaire to be prepared by the superintendent of public works, by and with the approval of the governor, setting forth a complete statement of the experience of such prospective bidder and/or his organization in performing similar work and his financial ability to perform the work intended and a statement of the equipment proposed to be used, together with proof of its availability. Whenever it shall appear to such officer, from the answers to said questionnaire or otherwise, that the prospective bidder is not fully qualified and able to perform the advertised work, such officer shall, after affording such prospective bidder an opportunity to be heard, if still of the opinion that said bidder is not fully qualified to perform said work, refuse to receive or consider any bid offered by such prospective bidder. The information contained in the answers to the questionnaire shall be and remain confidential. If any governmental officer or employee shall knowingly divulge or permit any divulgence of such information to any person not lawfully entitled thereto, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two hundred and fifty dollars.

"The board of supervisors of any county may by ordinance in like manner provide for the prequalification of bidders for the performance of any contract for the construction of any public building or other public work (not including contracts between governmental agencies or subdivisions) for such county."

SECTION 2. This Act shall take effect on July 1, 1931.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 165

[S. B. No. 219]

AN ACT TO AMEND CHAPTER 211 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, BY AMENDING SECTIONS 3683, 3686, 3687, 3688, 3690, 3691, 3692 AND 3693 AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 3691A, RELATING TO REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SURVEYORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3683 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3683. Registration of practicing engineers, etc. In order to safeguard life, health and property, no person except those hereinafter exempted shall practice professional engineering, architecture or land surveying in the territory unless he be duly registered under the provisions of this chapter."

SECTION 2. Section 3686 of said Revised Laws, as amended, is hereby further amended to read as follows:

"Sec. 3686. Registration and certificates thereof. Application for registration shall be made upon blanks to be furnished by the board and shall be signed and sworn to by the applicant. With each application there shall be paid to the board the sum of fifteen dollars as a registration fee. Each applicant for registration who shall furnish satisfactory proof that he is fully qualified to practice professional engineering, architecture or land surveying or that he holds a like unexpired certificate of registration issued to him by proper authority in any state or territory of the United States or in a foreign country in which the requirements for the registration of professional engineers, architects or land surveyors are of a standard satisfactory to the board, shall be registered as a professional engineer, architect or land surveyor and shall receive a certificate thereof from the board signed by the chairman and secretary.

"Unless disqualifying evidence be before the board, either of the following statements of facts satisfactorily established in the application may be regarded as prima facie evidence satisfactory to the board that the applicant is fully qualified to practice either professional engineering, architecture or land surveying:

"(a) Six or more years of active engagement in professional engineering, architecture or land surveying; provided, however, that each full year of attendance at a school, college or university,

approved by the board as of satisfactory standing, may be considered the equivalent of one year of such active engagement; or

“(b) Graduation, after a course of not less than three years in engineering, architecture or land surveying from a school, college or university, approved by the board as of satisfactory standing, and an additional two years' experience in engineering, architecture or land surveying.

[Sic] “An applicant for registration, in case the evidence originally presented in or with his application does not appear to the board satisfactory to entitle him to be registered, may be required to present further evidence which may include the results of an examination for the consideration of the board, and the board then shall determine as to whether or not the applicant shall be registered. In the event that the applicant be rejected, his resignation fee shall be returned.

“Every person registered, who as an individual or as a member of a firm or corporation conducts an office or other place of business for the practice of his profession, shall display his original certificate, in a conspicuous manner, in his principal office or place of business.

“Every certificate of registration shall expire on the last day of the month of April following its issuance or renewal and shall become invalid on that date unless renewed and it shall be the duty of the secretary of the board to notify by mail every person registered hereunder of the date of the expiration of his certificate and the amount required for the renewal thereof. The fee for renewal shall be as follows:

“For a person registered in one profession, four dollars;

“For a person registered in more than one profession, three dollars for each renewal certificate.

“Upon the payment of the prescribed renewal fee a renewal certificate for the current year, signed by the chairman and secretary of the board, shall be issued. This renewal certificate shall be displayed with the original certificate in cases where display of the original certificate is required.”

SECTION 3. Section 3687 of said Revised Laws is hereby amended to read as follows:

“Sec. 3687. Suspension or revocation of certificates. The board shall have the power to revoke or suspend the certificate of registration of any person hereunder who is found guilty of any fraud or deceit in obtaining said certificate or of gross negligence,

incompetency or misconduct in the practice of his profession or who is convicted of violating the provisions of this chapter or the rules or regulations of the board. Any person may prefer charges in writing with the secretary of the board against any person holding a certificate. The charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within three months after the date on which they were filed and at a time and place to be fixed by the board. A copy of the charges, together with the notice of the time and place of hearing, shall be sent by registered mail to the accused at least thirty days before the time fixed for hearing and such mailing to the last known place of business or residence of the accused shall be sufficient service. It shall require a unanimous vote of the members of the board present at the hearing in order to find the accused guilty of the charges preferred, and if found guilty the board shall, in its discretion, either revoke or suspend the certificate of registration of the accused."

SECTION 4. Section 3688 of said Revised Laws is hereby amended to read as follows:

"Sec. 3688. Contents of certificate. Each certificate of registration issued hereunder shall bear the date of the original registration and shall specify whether the person to whom it is issued is authorized by the board to practice professional engineering, architecture or land surveying, and such person may use a seal of the design authorized by the board bearing his name and the words 'registered professional engineer', 'registered architect', or 'registered land surveyor', or otherwise as may be authorized by the board.

"In the case of a certificate issued to a person authorizing him to practice professional engineering, the certificate shall furthermore indicate the major branch or branches of engineering in which such person has especially qualified."

SECTION 5. Section 3690 of said Revised Laws is hereby amended to read as follows:

"Sec. 3690. Persons exempt from registration. The following shall be exempted from the provisions of this chapter:

"1. Persons practicing professional engineering, architecture or land surveying solely as officers or employees of the United States;

"2. Persons practicing professional engineering, architecture or land surveying solely as officers or employees of the territory or any political subdivision thereof on May 2, 1923, and thereafter only until the expiration of the terms of office or employment of such persons;

"3. Such non-resident persons as may be granted temporary permits by the board to practice professional engineering, architecture or land surveying for a limited period. Temporary permits may be issued only to persons who present evidence satisfactory to the board that they possess the same qualifications as are required of applicants for permanent registration, and such temporary permits may be cancelled at any time at the pleasure of the board. The fee for each such temporary permit shall be twenty-five dollars."

SECTION 6. Section 3691 of said Revised Laws is hereby amended to read as follows:

"Sec. 3691. Public works, plans, etc., for and supervision of. The territory and the political subdivisions thereof and the officers thereof, respectively, shall not engage in the construction of any public work involving professional engineering or architecture for which the plans, specifications and estimates have not been made and the construction of which is not supervised by a professional engineer or architect duly registered hereunder; provided, however, that nothing in this section contained shall be held to apply to any public work involving professional engineering or architecture wherein the expenditure therefor does not exceed the sum of fifteen thousand dollars, and provided also, that all land surveys involving property boundaries for public purposes and/or plans thereof shall be made or supervised by a registered land surveyor."

SECTION 7. Section 3692 of said Revised Laws is hereby amended to read as follows:

"Sec. 3692. Limitation upon application of provisions of chapter. Nothing in this chapter shall be construed as preventing any person, firm or corporation from engaging in engineering or architectural work and undertakings upon property owned or exclusively controlled or possessed by that person, firm or corporation or from hiring any person to do such work and undertakings, unless the same involve the safety or health of the public, nor shall anything in this chapter be construed as preventing any person, firm or corporation from engaging in land surveying upon property owned or exclusively controlled or possessed by that person, firm or corporation or from hiring any person to do such work, unless the same involves a common boundary.

"All engineering work and architectural work in which the public safety or health is involved shall be designed by and the construction supervised by a duly registered professional engineer or architect, respectively."

SECTION 8. Section 3693 of said Revised Laws is hereby amended to read as follows:

"Sec. 3693. Violations; penalties. Any person, firm or corporation who shall practice, offer to practice or hold himself or itself out as authorized and qualified to practice professional engineering, architecture or land surveying in the territory, except as provided in Sections 3690 and 3692 hereof, without having first registered in accordance with the provisions of this chapter and without having a valid unexpired certificate of registration, or who shall use or attempt to use as his or its own the seal or the certificate of registration of another, or who shall falsely impersonate any duly registered practitioner hereunder, or who shall use or attempt to use an expired, suspended or revoked certificate of registration, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in the sum of not more than five hundred dollars or imprisoned for the period of not more than one year or by both such fine and imprisonment in the discretion of the court."

SECTION 9. A new section is hereby added to said chapter 211 of said Revised Laws to be known as Section 3691A and to read as follows:

"Sec. 3691A. Structures exempted from provisions of chapter. The provisions of this chapter shall not apply to work in respect to any privately owned or privately controlled one-storied building, dwelling or structure, the estimated cost of which does not exceed ten thousand dollars, nor to any privately owned or privately controlled two-storied building, dwelling or structure, the estimated cost of which does not exceed seven thousand five hundred dollars; provided, however, that no structure, dwelling or building in which the principal structural members consist of reinforced concrete or structural steel having riveted, bolted or welded connections shall be exempted from said provisions."

SECTION 10. This Act shall take effect upon its approval.

Approved this 27th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 166

[H. B. No. 202]

AN ACT FOR THE RELIEF OF HAROLD GODFREY.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The sum of one thousand dollars (\$1,000.00) is hereby appropriated from the trust funds of the Territory of Hawaii for the payment to Harold Godfrey for expenses incurred in caring for the late Frank Godfrey during the latter years of his life.

SECTION 2. The said sum of one thousand dollars (\$1,000.00) hereby appropriated shall be paid by the treasurer of the territory upon a warrant drawn by the auditor upon the signing by the said Harold Godfrey of a proper voucher for said claim.

SECTION 3. This Act shall take effect upon its approval.

I hereby certify that the foregoing Bill, having been presented to the Governor for his approval and signature, and not having been signed or vetoed within the time prescribed by the Organic Act of the Territory, has become law without his signature on April 28, 1931.

RAYMOND C. BROWN,
Secretary of the Territory of Hawaii.

ACT 167

[H. B. No. 116]

AN ACT TO AMEND ACT 114 OF THE SESSION LAWS OF 1925, AS AMENDED BY ACT 99 OF THE SESSION LAWS OF 1927 AND ACT 8 OF THE SESSION LAWS OF 1929, RELATING TO MENTAL DISEASES.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 29-A of Act 114 of the Session Laws of 1925, as amended by Act 99 of the Session Laws of 1927, and Act 8 of the Session Laws of 1929, is hereby amended to read as follows:

"Sec. 29-A. The superintendent shall have authority to accept voluntary contributions for, and on behalf of any patient, and the superintendent shall keep a detailed account of all such expendi-

tures on behalf of each and every patient for whom any contribution is made, which account shall be open to inspection by any donor at any time. Any donor may at any time demand of the superintendent the then unexpended balance in such donor's contribution, which shall be paid to such donor immediately by the superintendent. In case any patient in whose behalf contributions have been made shall die or be discharged, and no demand is made by the donor within one year for any unexpended balance, such unexpended balance shall be then deposited with the treasurer of the Territory of Hawaii for credit to the general fund of the territory."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 168

[H. B. No. 268]

AN ACT TO AMEND SECTION 1692 OF THE REVISED LAWS OF HAWAII 1925, REGULATING THE ADVERTISEMENT OF BILLS AND RESOLUTIONS IN COUNTIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1692 of the Revised Laws of Hawaii 1925, is hereby amended by deleting wherever they appear the figures "\$500.00" and inserting in lieu thereof the figures "\$1,000.00".

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 169

[H. B. No. 356]

AN ACT TO AMEND CHAPTER 193 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 3482-A, RELATING TO THE MERGER OF TRUST COMPANIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 193 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section to be known as Section 3482-A reading as follows:

"Sec. 3482-A. Any two or more trust companies organized and acting under the provisions of this chapter are hereby authorized to merge one or more of such trust companies into another of them as prescribed in this section.

"1. The respective boards of directors of such trust companies may, by a vote of two-thirds of all the members of each board, make or authorize to be made between such trust companies a written agreement under their respective corporate seals, for the merger of such trust companies. A sworn copy of the proceedings of such meetings, made by the secretaries thereof respectively, shall be presumptive evidence of the holding and action of such meetings.

"Such agreement shall specify each trust company to be merged and the trust company which is to receive into itself the merging trust company or trust companies, and it shall prescribe the terms and conditions of the merger and the mode of carrying it into effect. It may provide the name to be borne by the receiving trust company and such name may be the name of any trust company which is a party to such agreement; and may name the persons who shall constitute the board of directors of the receiving trust company after the merger shall have been accomplished, or may provide for a meeting of the stockholders to elect a board of directors within sixty days after such merger, and may make provision for conducting the affairs of the trust company meanwhile.

"2. The merger agreement and sworn copies of the proceedings of the meetings of the respective boards of directors at which the making of such agreement was authorized, shall be submitted in triplicate to the bank examiner for his approval.

"3. The merger agreement shall, within sixty days after due notice to such trust companies of its approval by the bank examiner, be submitted to the stockholders of each of such trust companies at a meeting thereof to be called upon notice of at least two

weeks, specifying the time, place and object thereof addressed to each stockholder at his last known post office address and deposited in the post office, postage prepaid and published for at least two successive weeks in a newspaper of general circulation in the county or city and county in which such trust companies have their principal place of business; and if such agreement as approved by the bank examiner, shall be approved at each of such meetings by the vote of the stockholders owning at least three-fourths in amount of the stock of their respective trust companies, it shall thereupon become binding upon such trust companies.

"A sworn copy of the proceedings of such meetings, made by the secretaries thereof, respectively, shall be presumptive evidence of the holding and action of such meetings.

"4. After such merger agreement shall have become binding upon the respective trust companies which are parties thereto, as provided in the preceding paragraph, triplicate originals thereof, in each case together with the bank examiner's written approval and a sworn copy of the proceedings of the meetings at which said agreement was finally approved made by the secretaries thereof, respectively, shall be filed and recorded as follows: one set shall be filed in the office of the bank examiner, another set shall be filed in the office of the treasurer of the Territory of Hawaii, and the third set shall be recorded in the office of the registrar of conveyances at Honolulu, the third set being also filed in the office of the assistant registrar of the land court if the trust company which is being merged into another trust company owns or has any interest of any nature in any land the title to which is registered in the land court.

"5. Upon filing or recording the triplicates of such merger agreement together with other documents, as prescribed in the last preceding paragraph, the merger agreement shall take effect according to its terms and the merger shall thereupon take place as provided in the agreement, and the trust company into which the other trust company is merged shall thereafter have the new name, if any, specified in such agreement.

"6. Upon the merger of any trust company into another as provided in this section:

"(a) Its corporate existence shall be merged into that of such other trust company; and all and singular its rights, privileges and franchises, and its right, title and interest in and to all property of whatsoever kind whether real, personal or mixed, and things in action, and every right, privilege, interest or asset of conceivable value or benefit then existing which would inure to it

under an unmerged existence, shall be deemed fully and finally, and without any right of reversion, transferred to and vested in the trust company into which it shall have been merged without further act or deed, and such last-mentioned trust company shall have and hold the same in its own right as fully as the same was possessed and held by the merged trust company, from which it was, by operation of the provisions of this section transferred.

“(b) The rights, obligations, trusts, liabilities and relations of every nature of the trust company being merged to any creditor, depositor, principal, ward, beneficiary of any will, heir of any estate, trustee or beneficiary of any trust, and every other person, shall remain unimpaired, and the trust company into which it shall have been merged shall by such merger succeed to all such rights, relations, obligations, liabilities and trusts, and shall execute and perform all the same in the same manner as though it had itself originally acquired the right, assumed the relation or trust, or incurred the obligation or liability; subject to the provisions for orders of transfer hereinafter provided in sub-paragraph (d); nor shall any obligation or liability of any stockholder in any trust company which is a party to such merger be affected by any such merger, but such obligations and liabilities shall continue as fully and to the same extent as existed before such merger.

“(c) A pending action or other judicial proceeding to which any trust company that shall be so merged is a party shall not be deemed to have abated or to have discontinued by reason of the merger but may be prosecuted to final judgment order or decree in the same manner as if the merger had not been made; or the trust company into which such other trust company shall have been merged may be substituted as a party to such action or proceeding and any judgment, order or decree may be rendered for or against it that might have been rendered for or against such other trust company if the merger had not occurred.

[*Sic*] “(d) Whenever a trust company, which is a duly appointed, qualified and acting executor, administrator, trustee or guardian shall merge with another trust company, the latter shall, as soon as may be, apply to the circuit judge of the circuit judge of the circuit in which its principal place of business is located for an order of transfer appointing itself such executor, administrator, trustee or guardian, and after such notice to those interested as shall be ordered by the judge, and upon proper showing that a merger has been effected and that such order of transfer does not appear to be prejudicial to the interests of the estate or of the beneficiaries or of the ward or contrary to the provisions of the will or trust instrument except as is necessarily involved in the change of fiduciary, the judge may make such order of transfer and appoint-

ment. When any trust company named in any will as executor, trustee or guardian, shall merge into another trust company before the admission of the will to probate, the other trust company into which the said trust company has been merged may make application for probate of the will and appointment of itself as executor, trustee or guardian as the case may be.

"7. The trust company into which another trust company or trust companies shall have been merged as provided in this section, may require the return of the original certificate or certificates held by each stockholder in such other trust company or trust companies and may issue in lieu thereof new certificates for such number of its own shares as such stockholders may be entitled to receive, if any, under the merger agreement.

"8. Any stockholder of the trust company being merged not voting in favor of such agreement of merger at the meeting prescribed in paragraph 3 of this section may at such meeting or within thirty days thereafter file with the secretary of such trust company objection to the merger and demand for payment for his stock. If the merger takes effect at any time after such demand, such stockholder may, at any time within sixty days thereafter, apply to the presiding circuit judge of the circuit wherein is situated the principal place of business of such trust company for the appointment of three persons to appraise the value of his stock. The judge shall thereupon appoint such appraisers and designate the time and place of their first meeting, with such directions in regard to their proceedings as shall be deemed proper, and shall also direct the time and manner in which payment shall be made of the value of such stock to such stockholder. The judge may fill any vacancy in the board of appraisers. The appraisers shall meet at the time and place designated and after being duly sworn to discharge their duties honestly and faithfully, they shall make and certify a written estimate of the value of such stock, and shall deliver one copy to the trust company and another to such stockholder. The cost of the proceeding and expenses and fees of the appraisers shall be paid by the trust company.

"The trust company shall thereupon pay to such stockholder the appraised value of such stock upon receipt of the certificates for the same and such certificate shall thereupon be cancelled and such stockholder shall cease to have any interest in such stock or in the trust company property and such stock shall thereafter be held and disposed of by the trust company for its own benefit."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 170

[H. B. No. 368]

AN ACT TO RELIEVE WILLIAM C. ACHI, JR., FROM TAXES ASSESSED AGAINST HIM AND A JUDGMENT THEREON, WHICH, IN EQUITY, SHOULD HAVE BEEN PAID BY ANOTHER.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The assessor of the first taxation division of the Territory of Hawaii is hereby authorized and directed to strike out from its assessment roll all assessments, taxes, penalties and interest thereon against William C. Achi, Jr., for the years 1909 to 1912, and 1917 to 1920, amounting to one thousand four hundred fourteen and 15/100 dollars (\$1,414.15) as of February 28, 1930, which amount, in equity, should have been paid by another, on property situated in Kapalama, Honolulu, City and County of Honolulu, Royal Patent Number 401, Land Commission Award Number 8305 to P. Kanoa, and to waive collection on the judgment for said taxes and penalties and all interest thereon up to and including the date of the approval of this Act, for the purpose of relieving the said William C. Achi, Jr., from the assessments made.

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 171

[H. B. No. 416]

AN ACT TO REIMBURSE CAROLINE J. ROBINSON FOR INTEREST AND PENALTY ON TAXES ILLEGALLY COLLECTED FROM HER.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated the sum of eighty-two and 50/100 dollars (\$82.50) from the general revenues of the territorial treasury to reimburse Caroline J. Robinson for interest and penalty on taxes illegally collected from her.

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 172

[H. B. No. 447]

AN ACT REGULATING THE PAYMENT OF PENSIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever any person receiving a pension from the Territory of Hawaii or from any county or city and county thereof shall die, the amount next payable under such pension shall be pro rated from the last payment date up to and including the date of death and the sum so pro rated shall be paid to such person as may have been designated by the pensioner during his lifetime in a writing filed with the officer charged with payment of the pension or, if no such designation shall have been made and filed, then said officer shall pay the amount so due to the following person or persons in the order of preference named:

1. To the surviving husband or wife;
2. To the issue of the blood to be distributed per stirpes, the share due any minor to be paid to his guardian for the minor's use;
3. To such person as may have had the care and maintenance of such pensioner during his last illness.

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 173

[S. B. No. 102]

AN ACT AUTHORIZING AND DIRECTING THE PAYMENT TO CERTAIN COUNTIES OF SURPLUS TAX COLLECTIONS NOW ON HAND AND THE EXPENDITURE OF SURPLUS TAX COLLECTIONS BY THE CITY AND COUNTY OF HONOLULU AND PRESCRIBING CERTAIN CONDITIONS THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the territory is hereby authorized and directed forthwith to pay over to each of the following

named counties the respective amounts of money now in the territorial treasury, constituting surplus collections of taxes received from each of them, to-wit:

County of Hawaii.....	\$64,905.06
County of Maui.....	17,094.81
County of Kauai.....	16,578.23

SECTION 2. The treasurer of the city and county of Honolulu is hereby authorized and directed to transfer, from the general fund, surplus tax collections for the year 1930 and heretofore paid to the said city and county treasurer by the territorial treasurer, the sum of eighty-five thousand dollars (\$85,000.00) which amount shall be expended by the city and county of Honolulu for the following purposes:

Land, grading and improvement

McKinley High School.....	\$15,000.00
School buildings repairs and maintenance.....	45,000.00
Special school items.....	25,000.00

SECTION 3. Payments provided in Section 1 of this Act shall be made upon warrants issued by the territorial auditor and shall be paid into the general fund of such counties. Such surplus tax collections referred to in Sections 1 and 2, of this Act, shall not be deemed to be paid on account of the requirements of such counties and the city and county for the year 1931 for the purpose of fixing the tax rates, and shall not be deducted in the computation of such tax rates for said year 1931, any other provisions of the law to the contrary notwithstanding.

SECTION 4. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 174

[S. B. No. 103]

AN ACT TO AMEND SECTION 1380 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO TAXATION, AND PROVIDING FOR THE PAYMENT TO CERTAIN COUNTIES OF SURPLUS TAX MONEYS COLLECTED AND NOW HELD UNDER SAID SECTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1380 of the Revised Laws of Hawaii 1925, as amended, is hereby amended by adding thereto a new paragraph immediately following the third paragraph thereof, to read as follows:

“Any taxes collected from any county or city and county during any calendar year, by reason of assessments of omitted property, additional assessments and/or the settlement of tax appeals, in excess of its requirements for current expenses and permanent improvements as set forth in its tax rate calculations for such year shall on or before December 31 of such year be paid by the territorial treasurer to the treasurer of such county or city and county, not to exceed, however, such portion thereof as is represented by the combined tax rate for subdivisions 1 and 2 of section 1315 for the year or years for or in which such assessments were made or such appeals were taken and not to exceed in any case the total amount requested by such county or city and county in its estimate submitted to the territorial treasurer for said subdivisions 1 and 2 for the current calendar year. Such payments shall be deposited in the general fund of such county or city and county.”

SECTION 2. The last paragraph of Section 1380 of said Revised Laws, as amended, is hereby amended to read as follows:

“In January of each year the territorial auditor and territorial treasurer shall prepare and transmit to the treasurer of each county and city and county a joint statement showing the amount of (1) unpaid taxes of the last preceding year only; (2) taxes collected during the last preceding year; and (3) taxes collected during the last preceding year by virtue of the settlement of tax appeals taken during (a) the last preceding year and (b) all other years. The territorial treasurer shall retain all funds collected on account of real and personal property taxes from any county or city and county during any calendar year in excess of (1) the amounts to satisfy its requirements as set forth in its tax rate calculations for such year and (2) the further payments authorized by this section, and shall apply the same to satisfy the

requirements of such county or city and county for the next following year and thereby reduce the tax rate of such county or city and county for said next following year. Should any deficiency be found caused by non-collection of taxes in any one calendar year in satisfying such requirements (as set forth in such tax rate calculations), an additional amount shall be added to the calculations of the tax rate for the said next following year to cover such deficiency by the method set forth in section 1315."

SECTION 3. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 175

[S. B. No. 182]

[Sic]

AN ACT TO AMEND SECTION 1919 OF THE REVISED LAWS OF HAWAII 1925, AND TO AMEND CHAPTER 119 BY ADDING THERETO CERTAIN NEW SECTIONS TO BE KNOWN AS SECTIONS 1790-A, ETC., RELATING TO PUBLIC PARKS AND CREATING A PARK BOARD FOR THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1919 of the Revised Laws of Hawaii 1925, relating to public parks is hereby amended to read as follows:

"Sec. 1919. Parks in charge of supervisors. All public parks and public recreation grounds, other than the Makiki Valley Park or reservation and with the exception of those within the City and County of Honolulu, are transferred to and placed in charge of the board of supervisors of the county in which the same may be located, to be maintained, managed and controlled by them. All lands hereafter set apart or acquired as public parks and public recreation grounds, except in the City and County of Honolulu, shall likewise be placed in charge of and maintained by the several boards of supervisors."

[Sic]

SECTION 2. Chapter 119 of the Revised Laws of Hawaii 1925, relating to municipal government, is hereby amended by adding thereto the following sections:

"Sec. 1790-A. Park board established. There is hereby created a board which shall be known as the 'park board of the city and county of Honolulu'. The board shall consist of seven members, five of whom shall be appointed by the mayor with the approval of the board of supervisors of the city and county of Honolulu. One of the appointive members shall also be designated by the mayor as chairman of the board. The mayor and the chairman of the recreation commission of the city and county of Honolulu shall be ex-officio members of the park board."

"Sec. 1790-B. Term of office. The term of office of the members of the park board shall be five years from and after the date of their respective appointments provided that upon the first appointments, which shall be made within fifteen days after this Act takes effect, one of said members shall be appointed for the term ending December 31, 1931, one for the term ending December 31, 1932, one for the term ending December 31, 1933, one for the term ending December 31, 1934, and one for the term ending December 31, 1935. Any vacancies occurring on the park board from any cause shall be filled by appointment for the unexpired term of the person whom such appointee succeeds. The members of the park board shall receive no compensation for their services."

"Sec. 1790-C. Quorum. Four members of the park board shall constitute a quorum for the exercise of the powers or authority conferred upon it but the concurrence of at least four members shall be necessary to make any action of the park board valid."

"Sec. 1790-D. General office. The park board shall maintain in the city of Honolulu a general office for the transaction of its business. The park board may hold meetings at any other place where the convenience of the members so requires."

"Sec. 1790-E. Seal, rules and regulations. The park board may adopt a seal and may adopt such rules and regulations as it may consider expedient for the conduct of its business and the regulation of the matters herein committed to its charge. The park board may amend or revise such rules and regulations from time to time."

"Sec. 1790-F. Reports. The park board shall submit to the board of supervisors in the month of December of each year a full report of its proceedings including a detailed financial report."

"Sec. 1790-G. Secretary, salary and duties. The park board shall appoint a secretary who shall receive a salary to be fixed by it, with the approval of the board of supervisors, and whose duties shall be to keep a full and true record of all its proceedings, preserve at its general office all its books, documents and papers, pre-

pare and serve such notices and other papers as may be required of him by the park board, and to perform such other duties as the park board may prescribe."

"Sec. 1790-H. Parks in charge of park board. All public parks and public recreation grounds in the city and county of Honolulu, now owned by it or in its possession and control, other than the Makiki Valley Park or reservation, together with all equipment, supplies, paraphernalia, and all real and personal property of whatsoever nature used in connection with the same, are transferred to and placed in charge of the park board to be maintained, managed and controlled exclusively by it. Provided, however, that all personal property now in the possession and control of the recreation commission of the city and county of Honolulu shall remain in the possession and control of said commission. All lands hereafter set apart or acquired by the city and county of Honolulu for public parks and public recreation grounds shall likewise be placed in charge of and maintained exclusively by the park board. The park board shall in its discretion determine the nature of all permanent improvements and in this regard shall determine the additional park property that may be acquired from time to time and the kind and nature of improvements to be constructed on the same. The park board shall also have full and complete authority over the trimming and removing of all shade trees, hedges and shrubs growing on the public streets of the district of Honolulu and the planting of the same upon such streets, and, concurrently with the respective property owners shall have full and complete authority over the trimming and removing of all shade trees, hedges and shrubs growing over the public streets of said district. It shall furthermore cooperate with the recreation commission of the city and county of Honolulu in all matters pertaining to the promotion of public recreation."

"Sec. 1790-I. Purchases and contracts. The park board shall have power to contract for work, supplies, material or equipment and the cost of these to be met from the funds it may have on hand either by appropriation from the board of supervisors or otherwise. All contracts shall be executed in the name of the board and shall be signed by the chairman or acting chairman. With the approval of the board of supervisors, the park board may purchase, sell or exchange the real property under its control. The park board in its discretion may sell or otherwise dispose of any building, materials, supplies or equipment under its control and no longer used or useful for its purposes. The proceeds from the sale of all real and personal property and all revenues received from concessions or leases shall be paid to the city and county of Honolulu and become a government realization. All

documents of transfer or sale shall be executed in the name of the board and shall be signed by the chairman or acting chairman."

"Sec. 1790-J. Appointment of gardeners and assistants. The park board shall appoint such gardeners, wardens, keepers, inspectors, clerks and laborers and other assistants as it may deem necessary and with the approval of the board of supervisors fix their compensation."

"Sec. 1790-K. Gifts. The park board may receive gifts, bequests or devises of land, buildings, money and all kinds and variety of personal property to carry out any of the purposes of this Act and may expend and contract to expend the said money thus received for the purpose or purposes for which the same is given or bequeathed without the authorization of the board of supervisors."

"Sec. 1790-L. Budget. The park board shall prepare and submit to the board of supervisors a yearly budget for maintenance of parks and playgrounds and also a budget for development."

"Sec. 1790-M. Appropriations. The board of supervisors shall appropriate for the use of the park board from general funds of the city and county, a sum of not less than one hundred thousand dollars (\$100,000.00) per annum for the maintenance of parks and playgrounds. The board of supervisors may from time to time in its discretion appropriate from the proper funds moneys to be used by the park board in the furtherance of its park development plans."

"Sec. 1790-N. Disbursement of funds. All moneys expended by the park board out of moneys appropriated for its use by the board of supervisors shall be disbursed by the city and county treasurer only upon warrants issued by the city and county auditor on vouchers signed by the chairman or acting chairman of the board."

"Sec. 1790-O. Income from operation of parks. The park board in its discretion is authorized to lease or rent or grant concessions to any park areas or improvements that may be deemed by it in the interests of the city, provided that no lease or rental agreement for a period in excess of one year shall be made without the prior approval of the board of supervisors."

SECTION 3. Constitutionality. If any section, subsection, sentence, clause or phrase of this Act is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have approved this Act and each section, subsection, sentence, clause and phrase thereof, irrespective of the

fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 4. Shade tree commission abolished. The shade tree commission of Honolulu established by chapter 17 of the revised ordinances of the city and county of Honolulu, 1923, is hereby abolished.

SECTION 5. Repeal of conflicting provisions. All ordinances and provisions of law in conflict with this Act are superseded by the provisions hereof to the extent of such conflict.

SECTION 6. This Act shall take effect from and after July 1, 1931.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 176

[S. B. No. 198]

AN ACT CANCELING TAXES ASSESSED AGAINST ANTHONY Y. SETO AND MAMIE L. SETO, HUSBAND AND WIFE, ON ACCOUNT OF PROPERTY PURCHASED FROM THEM BY THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The tax assessor of the first taxation division, Territory of Hawaii, is hereby authorized and directed to cancel taxes amounting to one hundred eighty-two and 12/100 dollars (\$182.12), together with penalties and interest to date, assessed to Anthony Y. Seto and Mamie L. Seto, husband and wife, for the year 1930, on that certain parcel of land adjoining Liholiho School, Kaimuki, Honolulu, city and county of Honolulu, Territory of Hawaii, being portions of lots 6 and 8 of block 38 (of the Kaimuki Tract), which were sold by them to the city and county of Honolulu under agreement of sale dated July 29, 1929, and deeded to said city and county of Honolulu, on the 18th day of January, 1930.

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 177

[S. B. No. 148]

AN ACT RELATING TO THE ESTABLISHMENT, INCORPORATION, OPERATION, MAINTENANCE, GOVERNMENT, CONTROL AND TAXATION OF BANKS.

Be it Enacted by the Legislature of the Territory of Hawaii:

TITLE OF ACT AND DEFINITIONS

SECTION 1. Title and application of Act. This Act shall be known as the "Hawaii Bank Act of 1931" and shall be applicable to all corporations now and hereafter transacting any banking business in the Territory of Hawaii by virtue of any law of the territory and to such other corporations as shall subject themselves or be subject to special provisions and sections thereof, and to such other persons, associations, copartnerships or corporations as shall, by violating any of its provisions, be subject to the penalties provided therein.

SECTION 2. "Bank" and "Banking Business" defined; classes of banks. The word "banks", as used in this Act, shall be construed to mean any incorporated banking institution which shall have been incorporated to conduct the business of discounting and negotiating promissory notes, drafts, bills of exchange and other evidence of debt; to receive deposits of money and deal in commercial paper; to lend money upon the security of real or personal property; to buy and sell gold and silver bullion, foreign money or bills of exchange; and to do such other business as may be usual or lawful in a banking business. The soliciting, receiving or accepting of money or its equivalent on deposit as a regular business shall be deemed to be doing a banking business whether such deposit is made subject to check or is evidenced by a certificate of deposit, a pass book or other writing; provided, that nothing in this Act shall apply to or include money or its equivalent left in escrow or left with an agent, pending investment in real estate or securities for or on account of his principal. It shall be unlawful for any corporation, partnership, firm or individual to engage in or transact a banking business within this territory, except by means of a corporation duly organized for such purpose. Banks are divided into the following classes:

- (a) Commercial banks;
- (b) Savings banks.

SECTION 3. "Commercial bank"; definition; construction of term. The term "commercial bank", when used in this Act, means any bank which is authorized by law to receive deposits of money, deal in commercial paper, make loans thereon, or to lend money on real or personal property as security, or to purchase or discount bills, notes or other commercial paper, or to buy, sell or advertise for purchase or sale such securities as are permissible for investment by commercial banks, gold and silver bullion, or foreign money or bills of exchange. A commercial bank may also act as broker or agent for others in making or procuring loans on real estate located within the Territory of Hawaii, and receive for such services a reasonable fee or commission; but shall not in any case guarantee either the principal or interest of any such loans, nor guarantee the truth of any statement made by any applicant filing his application for any of such loans. A commercial bank may transact the business of a savings bank, in which case it shall maintain and conduct a separate savings department.

SECTION 4. "Savings bank"; definition; construction of term. The term "savings bank", when used in this Act, means a bank organized for the purpose of accumulating and loaning its funds and the funds of its depositors, and which may loan, invest and collect the same, with interest; and may repay depositors with or without interest, and having power to invest said funds in such property, securities and obligations as may be authorized by this Act; and to pay a stipulated rate of interest on deposits made for a stated period or upon special terms. Where the term "savings bank" is used in this Act, it shall also be construed to apply to the savings department of any commercial bank.

SECTION 5. Corporations excepted. Nothing in this Act shall be deemed to apply to national banks, nor to trust or investment companies or building and loan associations transacting business in this territory pursuant to and in accordance with the laws of this territory relating to such companies or associations; provided, however, that if any such company or association lawfully so engaged on the date of the approval of this Act shall have in its corporate name the word "savings" or "saving" or any word of similar import, or have a name not clearly indicating the nature of its business, such association shall on all signs, letterheads and advertising matter and in all its passbooks, share and investment certificates and other paper imparting the character of its business, clearly and prominently state that it is not a savings bank, and it shall not in any manner advertise or hold itself out to be a savings bank or as doing any business as a bank. After the date of approval of this Act no other company, corporation or

association having the word "savings" or "saving" or any word of similar import in its name shall be permitted to engage in business in this territory except in accordance with this Act.

SECTION 6. "Foreign bank" defined. In construing this Act the term "foreign bank" or "foreign banker" shall be deemed to include:

(a) Every corporation, except a national bank, not organized under the laws of the Territory of Hawaii, doing any banking business within this territory;

(b) Every unincorporated company, partnership or association of two or more individuals organized under or pursuant to the laws of another state, territory or country doing any banking business as defined in this Act;

(c) Every non-resident of this territory doing any banking business in his own name and right only.

SECTION 7. "Treasurer of the territory" defined; administration of Act. When used in this Act, the term "treasurer of the territory" or the term "treasurer" shall mean the treasurer of the Territory of Hawaii and shall, unless the context otherwise indicates or requires, include the terms "bank examiner", "examiner", "deputy examiner", "deputy bank examiner", and such terms when necessary to effectuate the full administration of this Act shall have a similar and interchangeable meaning. The administration of the provisions of this Act shall be vested in the treasurer of the territory.

SECTION 8. Power of treasurer to examine. The treasurer of the territory shall have power to examine, or cause to be examined, every bank subject to the provisions of this Act and every agency located in this territory of any foreign bank or banking corporation, for the purpose of ascertaining whether it has complied with the laws of this territory, and for such other purposes and as to such other matters as the treasurer may prescribe. The treasurer and every examiner appointed by him shall have the power to administer an oath to any person whose testimony may be required on the examination of any bank or any agency of any foreign bank or banking corporation, and to summon and compel the appearance and attendance of any such person for the purpose of any such examination. When a bank shall have been examined and the examiner finds securities therein which in his judgment are of doubtful value, in such amount as warrants an appraisalment, the treasurer of the territory may employ appraisers at the expense of such bank or agency to appraise said securities, at a compensa-

tion to be fixed by the treasurer. The treasurer shall whenever required to do so by any bank or agency, provide an auditor to make audit of the affairs of such bank or agency, the compensation for making which audit shall be paid by the bank direct to the person making the audit.

SECTION 9. Scope and application of Act to existing banks; amendment of articles; time limit. The provisions of this Act shall apply to and govern all banks doing business in this territory, as defined in this Act; and the powers, duties, privileges and restrictions conferred and imposed upon any bank now existing and doing business in this territory, subject to this Act, are hereby abridged, enlarged and modified, as each particular case may require, to conform to the provisions of this Act. Nothing in this Act shall be construed to affect the legality of investments heretofore made or transactions heretofore had, pursuant to the provisions of law in force when such investments were made or transactions had. Every bank now existing and doing business within this territory and subject to this Act, shall, on or before July 1, 1932, alter or amend its articles of incorporation, if necessary, to conform to the requirements of this Act, and shall by said time make its business conform in all respects to the requirements of this Act; provided, that an extension of time beyond July 1, 1932, may be granted by the treasurer of the territory, not in any case to exceed twelve additional months.

SECTION 10. Terms implying conducting of banking business; restrictions on use; penalty. No person, firm, company, association, copartnership or corporation, either domestic or foreign, except national banks, without having received a certificate of authority from the treasurer, shall advertise that he or it is receiving or accepting money or savings and issuing notes or certificates of deposit or pass books therefor, nor make use of any office sign having any name or bearing any word or words indicating that its office or place of business is the office or place of business of a bank or that deposits are received there or payments made on check, or that any other form of banking business is transacted, nor make use of or circulate any letterheads, blank notes, blank receipts, certificates or circulars or other paper whatever, whether written or printed, having thereon any name, word or words indicating that it is engaged in any banking business, nor shall any such person, firm, company, association, copartnership or corporation, or any agent of a foreign corporation solicit or receive deposits or transact any business in the way or manner of a banking business or in such a way or manner as to lead the public to believe that it is so engaged. Nor shall any such person, firm, company, association, copartnership or corporation, or agent, domestic

or foreign, transact business under any name, title or description term which contains the word "bank", or "banker", or "bankers", or "banking", or "savings bank", or "savings", or any other word in any language having the same or a similar meaning. The treasurer of the territory or his deputy or examiner shall have authority to examine the accounts, books and papers of every such person, firm, company, association, copartnership or corporation, or agent, domestic or foreign, in order to ascertain whether any provision of this Section has been or is being violated. Any person, firm, company, association, copartnership or corporation, domestic or foreign, violating any provision of this Section, shall forfeit to the territory \$100 a day for every day or part thereof during which such violation continues. Upon action brought by the treasurer the court may issue an injunction restraining any such person, firm, company, association, copartnership or corporation or agent from further violation of this Section or from further acting in any way or manner as to imply or lead the public to believe that its business is of a banking character, as well during the pendency of such action as for all time, and may make such other order or decree as may be proper.

ORGANIZATION AND CORPORATE POWERS OF BANKS

SECTION 11. Paid-up cash capital and surplus requirements. Every bank hereafter organized within this territory, under the provisions of this Act, shall have a paid-up in cash capital and surplus of not less than one hundred thousand dollars capital if its principal place of business is located in the taxation district of Honolulu, or not less than fifty thousand dollars capital if its principal place of business is elsewhere in the territory, and, in either case, a surplus and contingent fund equivalent to twenty-five per centum of such capital.

Nothing herein shall be construed to affect the provisions of Section 49 of this Act relative to the percentage of capital and surplus to deposits.

SECTION 12. Incorporators, natural persons; number required. Corporations may be organized by any number of natural persons, not less in any case than five, under the laws of this territory, to conduct, as provided in this Act, and not otherwise, either one or both of the businesses mentioned in divisions (a) and (b) of Section 2 of this Act.

SECTION 13. Application for authority to organize; fee; contents. Any number of persons, not less than five, at least three of whom shall be residents of this territory, may file an application with the treasurer of the territory for authority to organize

a bank, or for authority to circulate stock subscription list for the organization of a bank. The applicants shall pay to the treasurer at the time of their application a fee of \$100.00, which fee shall in no case be refunded. No persons shall organize a bank or circulate a stock subscription list for the organization of a bank until written authority for that purpose has been obtained from the treasurer. The application shall be in duplicate and shall specify to the extent then determined in regard to the proposed bank:

1. The proposed location;
2. The amount of capital;
3. The corporate name; (the word "Limited" not to be a part of the corporate name);
4. The names of the proposed subscribers to the capital stock and the amount of stock for which each will probably subscribe;
5. The names of the persons, partnerships, associations or corporations which propose to own or control more than one-half of the capital stock;
6. The names of the proposed active officers and directors;
7. Evidence of the character, financial responsibility, experience and ability of the incorporators, directors and officers;
8. Evidence of the need and advisability of granting such authority;
9. Any other information which the treasurer may require.

SECTION 14. Notice of application for authority to organize. The applicants shall publish notice of the filing of such application at least once a week for three consecutive weeks in a newspaper of general circulation in the county or city and county where the proposed bank is to be located, said newspaper to be designated by the treasurer. Such notice shall be in a form approved by the treasurer and shall state:

1. The fact that an application has been filed and the date thereof;
2. The proposed corporate name;
3. The proposed location;
4. The amount of proposed capital;
5. The names of the applicants;
6. The time and place appointed by the treasurer for the hearing of said application.

The first publication of notice shall be made within ten days of the date of filing the application, and proof of publication shall be filed with the treasurer on or before the day appointed for the hearing. The treasurer shall not grant any authority to organize a bank or to circulate a stock subscription list prior to the date of filing proof of publication; provided, that in the case of the organization of a bank which takes over or assumes the assets or liabilities of an existing national banking association or bank no publication shall be required and authority to organize may be granted immediately by the treasurer.

SECTION 15. Application to organize; investigation; ruling of treasurer of the territory. Upon the hearing of the application the treasurer shall make investigation of the facts and conditions referred to in the application or pertinent thereto, and hear any objections thereto. At any such hearing the burden of proof shall be upon the applicants. The treasurer may prescribe rules and regulations for the proceedings in connection with such hearing. Should the result of the hearing satisfy the treasurer:

1. That the proposed bank is to be formed for legitimate objects as contemplated by this Act;

2. That the character, financial responsibility and general fitness of the persons named in such application are such as to command the confidence of the community in which the proposed bank is to be located and to warrant the belief that the business of the proposed corporation will be honestly and efficiently conducted;

3. That the proposed directors and officers are competent to successfully manage a banking business;

4. That the organization of the proposed bank is justified;

5. That the public convenience and advantage will be promoted by the opening of the proposed bank; then the treasurer shall approve the application, and shall endorse on each of the duplicate original applications the date and the word "approved" over his official signature; but if the treasurer is not satisfied or believes that the public interest will be endangered or that the approval of the application is not otherwise advisable he shall endorse with the date the word "disapproved" thereon. One of the duplicate original applications shall be filed in his office and the other returned by mail to the applicants. The treasurer may grant a conditional approval of any application requiring the applicants to make such additional showing or such changes in the proposed bank as he may consider advisable.

SECTION 16. Articles of incorporation; filing; time limit. Within sixty days after authority to organize has been finally granted the incorporators shall file articles of incorporation and pay to the treasurer of the territory the organization and filing fees required by law.

SECTION 17. Refusal of charter after authorization; grounds. If, after the approval of the application for authority to organize, it shall appear to the treasurer that the articles of incorporation or that the organization or proposed manner of conducting business do not comply with the terms of the requirements of law, he may refuse to approve the articles of incorporation or to grant a charter.

SECTION 18. Incorporators; number; articles; execution; contents. When authorized in writing by the treasurer of the territory as provided in Section 15, any number of persons, not less than five, of whom at least three shall be residents of this territory, may associate themselves by articles of incorporation to establish a bank under this Act, upon the terms and conditions and subject to the liabilities prescribed herein, and not otherwise. The articles of incorporation shall be executed in duplicate by the persons joining therein, who shall acknowledge the same before any officer authorized to take acknowledgments of deeds, and be filed in the office of the treasurer of the territory. The articles of incorporation shall specify:

1. The name by which the bank is to be known; (the word "Limited" not to be a part of the corporate name);
2. The place where its business is to be transacted, which place shall be specifically designated so as to be readily found or street and number in the city or town;
3. The amount of its capital stock and the number of shares into which such capital stock is to be divided, and such shares shall have a par value of not less than \$20.00 per share;
4. The amount of the surplus and contingent fund;
5. The names and places of residence of the incorporators and the number of shares subscribed for by each;
6. The term of its existence; (not to exceed a term of fifty years unless later extended according to law);
7. The purpose for which the corporation is formed; and the articles of incorporation may also contain any provisions, not inconsistent with law, which the incorporators may choose to insert for the regulation of the business, for the conduct of the affairs

of the bank, or for defining, limiting and regulating the powers of the directors;

8. The board of directors of the bank, of whom at least three shall be resident incorporators, who shall serve until the next annual meeting of the shareholders, or until their successors are regularly elected and qualified.

SECTION 19. Articles of incorporation; approval or disapproval by treasurer. The treasurer of the territory shall, within sixty days after receiving such articles of incorporation, indorse upon them his approval or disapproval, with the date, over his signature. If the articles of incorporation shall be by him disapproved, he shall return them to the incorporators; and, if approved, he shall file one copy thereof in his office and deliver the duplicate to the incorporators and shall, upon payment of the proper fees therefor, issue to the incorporators a certificate of incorporation under his official seal, showing the name assumed by the bank, the duration of its existence, the amount of its capital stock, the date of the filing of its articles of incorporation, and the date of approval thereof, and the location of its place of business. Upon the issue of such certificate of incorporation the corporate existence shall begin. The incorporators shall retain the duplicate of said articles of incorporation as part of the records of such bank.

SECTION 20. Business; power to transact during organization period; annulment of articles. No bank shall transact any business, except such as is incidental or necessary to its organization, until it has received its charter from the treasurer of the territory, as provided in Section 21 of this Act. Any bank which fails to pay in its capital and surplus and complete its organization, as provided in this Act, and receive from the treasurer of the territory a charter within six months from the date of approval of its articles of incorporation, shall cease to exist and such articles of incorporation shall become null and void.

SECTION 21. Application for charter. Any bank hereafter organized shall file with the treasurer of the territory:

1. Its application for a charter to do a banking business;
2. A list of shareholders, showing name, address, number of shares and amount paid on same, sworn to by the president or cashier;
3. The sworn certificate of the president, cashier, or secretary, that all requirements of law have been complied with;
4. A list of the directors and officers elected;

5. The oaths of office of the directors and officers of such bank;

6. A copy of its by-laws certified to by its president or cashier.

Thereupon the treasurer shall examine into the condition of such bank. If, upon such examination, it appears that said bank has complied with the requirements of the permit to organize and the provisions of the law and is entitled to commence business, the treasurer shall forthwith issue to such bank, under his hand and official seal, a charter to do a banking business in accordance with the articles of association.

SECTION 22. Commencement of business; date; supervisory power of treasurer of the territory. Any bank hereafter organized shall be deemed to have commenced business on the date its charter is issued by the treasurer of the territory.

SECTION 23. Authorized capital; payment condition precedent. No bank shall be authorized to commence business in this territory until the full amount of its authorized capital and surplus and contingent fund has been paid in.

SECTION 24. Stock; issuance before paid for prohibited; receipt given for stock received. No bank shall issue any share of stock until the provisions of Section 23 have been complied with. No bank shall deliver any stock certificates until the owner of said stock or his duly authorized agent has receipted for the same.

SECTION 25. Stock record; contents; right to inspect. Every bank shall keep a stock ledger or register which shall at all times during the usual hours for the transaction of business be subject to the inspection of any shareholder of such bank. Such ledger or register shall show the name and residence of and the number of shares held by each shareholder, and also all transfers of stock, stating the time when made, the number of shares and to whom transferred.

SECTION 26. Stock; capital impaired; right to transfer denied. The shares of stock of any bank shall be transferred on the books of such bank in such manner as the by-laws may provide and as by law required, but no transfer of stock shall be valid while any such bank is under notice from the treasurer of the territory or any duly appointed examiner to make good any impairment of its capital stock, nor until such impairment shall have been made good.

SECTION 27. Increase or decrease of capital stock. Any bank may at any time increase its capital stock, or reduce it, but not below the minimum provided by Section 11 of this Act, after hav-

ing first received the written approval of the treasurer and by the vote of the shareholders owning at least three-fourths of the stock in such bank, at any regular or special shareholders' meeting, which may be called for that purpose. When the increase or decrease of such capital stock has been authorized at a shareholders' meeting as herein provided, the president, cashier or secretary of such bank shall prepare a certificate in form prescribed by the treasurer of the territory containing a copy of the resolution, as passed by the shareholders at such meeting, authorizing the increase or decrease of such capital stock. Such certificate shall be signed and verified by oath of the president, cashier or secretary of such bank and forthwith transmitted to the treasurer of the territory. Upon receipt of such certificate, the treasurer may, in his discretion, authorize the increase or decrease of the capital stock of such bank, and after such increase or decrease has been authorized and approved, shall thereupon issue his certificate showing the amount to which such capital stock has been increased or decreased by authority of the resolution, as herein provided. No bank shall issue any certificate of stock under any increase of capital until the whole amount of such increase has been fully paid. The amount of any increased capital stock shall be paid in in the same manner as required in the organization of a bank; provided, that part of the surplus fund of any bank, if held as the exclusive property of the shareholders, may at any time, be converted into paid-in capital, in which event such surplus shall be restored until the whole amount of such surplus fund shall be not less than twenty-five per cent of the then aggregate paid-up capital stock.

SECTION 28. Power to sell or merge. Any bank may sell the whole of its business or the whole of the business of any of its departments or the whole of the business of any of its branches to any other bank which may purchase such business, after obtaining the consent of the shareholders of the selling and of the purchasing banks by a three-fourths vote at a shareholders' meeting of each of such banks called for that purpose. The selling and purchasing banks must for such purposes enter into an agreement of sale and purchase, which agreement shall contain all the terms and conditions connected therewith. Such agreement shall also contain proper provision for the payment of liabilities of the selling bank or of the department sold and the assumption by the purchasing bank of all obligations of the selling bank or department or branch sold, unless payment thereof is otherwise provided for, and in these particulars the agreement and terms shall be subject to the approval of the treasurer of the territory; and such agreement shall not be valid until such approval is obtained.

SECTION 29. Increase of stock; sale of shares; pro rata offer of to shareholders. In case of any increase of capital stock, and unless the authorizing resolution shall otherwise provide, the board of directors of such bank shall first offer such additional stock pro rata to all shareholders of record at such price, not less than par, as they may deem best for the interests of the bank. Any shares still remaining unsold thirty days after such increase of capital stock is authorized may then be sold to any person or persons, on the same or better terms, as the board of directors may determine.

SECTION 30. Reduction of stock; surrender of certificates. Whenever the capital stock of any bank shall be reduced, as provided in this Act, every shareholder, owner or holder of any stock certificate shall surrender the same for cancellation, and shall be entitled to receive a new certificate for that portion of his stock remaining in force after such reduction has been made. Any stock certificate which is not surrendered for cancellation and reissue, under any decrease of capital stock, as herein provided, shall be null and void as to the amount represented by such decrease. No dividends shall be paid to any shareholder until the old certificate shall have been surrendered and cancelled.

SECTION 31. Segregation of commercial and savings bank business. Banks engaged in a commercial and savings bank business shall keep segregated at all times, loans and other investments of the commercial and savings departments, except in the operation of branch banks as provided in Section 71 of this Act.

SECTION 32. Business location; power to change. Every bank shall transact its business in the place specified in its articles of incorporation. The place where its business is to be transacted may be changed upon application of said bank to the treasurer of the territory; provided, that no such change of location shall become effective until approved by the treasurer.

SECTION 33. Powers. Every bank, whether heretofore or hereafter organized under the laws of this territory, shall be subject to all of the rights, privileges and limitations enacted, granted or conferred or that may hereafter be enacted, granted or conferred upon like corporations by the laws of the Territory of Hawaii, and, in addition to the powers conferred by the general corporation laws of this territory, not inconsistent with its charter or this Act, shall have the following powers:

1. To sue and be sued;
2. To contract and be contracted with;

3. To have and to use a corporate seal and alter the same at pleasure;

4. To elect directors, at least three of whom shall be residents of this territory, and such directors shall elect a president and one or more vice-presidents, and shall have power to appoint and employ a cashier, and all other necessary officers, agents and servants, define their duties, fix their compensation, dismiss them, fill vacancies and require bonds for the faithful performance of their duties; provided, that the president or manager and the cashier shall be residents of this territory; provided, further, that the president shall be a director;

5. To make by-laws, not inconsistent with law or its articles of incorporation or charter, to provide for the management of its business and property, the regulation of its affairs, the election, government and removal of its officers, and the transfer of its stock;

6. To exercise by its directors, duly authorized officers or agents, all such powers as shall be usual in carrying on a banking business, except as limited by law or its charter;

7. To lease, hold, purchase and convey any and all real estate in the manner hereinafter provided, and not otherwise;

8. To purchase and hold for the purpose of becoming a member of the federal reserve system so much of the capital stock of a federal reserve bank as will qualify it for membership, pursuant to the Act of Congress approved December 23, 1913, entitled "The Federal Reserve Act" and to become a member of such federal reserve system, and have and exercise all powers not in conflict with the laws of this territory which are conferred upon any such member bank by the federal reserve act. Such member bank and its directors, officers and shareholders shall continue to be subject, however, to all liabilities and duties imposed upon them by any law of this territory.

SECTION 34. General corporation laws; when applicable. All banks shall be subject to the general corporation laws of this territory in every case in which the provisions of this Act do not apply.

SECTION 35. Federal reserve system; membership in.

(a) The words "federal reserve act" as herein used shall be held to mean and to include the act of Congress of the United States approved December 23, 1913, as heretofore and hereafter amended. The words "federal reserve board" shall be held to mean the federal reserve board created and described in the federal reserve act. The words "federal reserve bank" shall be held

to mean the federal reserve banks created and organized under authority of the federal reserve act. The words "member bank" shall be held to mean any national bank, state bank or banking and trust company which has become or which becomes a member of one of the federal reserve banks created by the federal reserve act.

(b) Any bank incorporated under the laws of this territory shall have the power to subscribe to the capital stock and become a member of a federal reserve bank.

(c) Any bank incorporated under the laws of this territory which is, or which becomes, a member of a federal reserve bank, is authorized to exercise all powers conferred upon member banks of the federal reserve banks by the terms of the federal reserve act as fully and completely as if such powers were specifically enumerated and described herein, and all such powers shall be exercised subject to all restrictions and limitations imposed by the federal reserve act, or by regulations of the federal reserve board made pursuant thereto.

(d) A compliance on the part of any such bank with the reserve requirements of the federal reserve act shall be held to be a full compliance with those provisions of the laws of this territory which require banks to maintain cash reserves in their vaults or with other banks, and no such bank shall be required to carry or maintain reserve other than as required under the terms of the federal reserve act.

(e) Any such bank shall continue, however, to be subject to the supervision and examination required by the laws of this territory, notwithstanding the federal reserve board shall have the right, if it deems necessary, to make examinations. The treasurer of this territory may disclose to the federal reserve board, or to examiners duly appointed by it, all information in reference to the affairs of any territorial bank which has become, or desires to become, a member of a federal reserve bank.

SECTION 36. Branch banks. No bank or any officer or director, agent or employee thereof, shall open or maintain any branch in this territory, or receive deposits or pay checks other than at its principal place of business or its established branches or such subsidiary collection offices as the treasurer may approve, except as hereinafter authorized; provided, that this section shall not apply to branch banks now existent and authorized to do business in this territory, and provided further, that nothing in this section contained shall authorize any bank to change the location of any branch bank now or hereafter existing except as authorized by the procedure hereinafter outlined for opening of branch banks. No branch bank shall be established in the district of Honolulu.

SECTION 37. Procedure to open or maintain branch bank; application. Any bank desiring to open and maintain a branch bank or change the location of an established branch shall file a petition in triplicate with the treasurer of the territory in a form approved by him and shall state:

1. The name of the bank;
2. The specific location of the proposed site of the branch bank office;
3. Facts showing that there is a reasonable assurance of sufficient volume of business so that the proposed branch is warranted;
4. Facts showing that the opening and maintenance of the proposed branch or change of location is justified;
5. Such other facts that the treasurer may from time to time prescribe.

Upon receipt by the treasurer of such petition he shall make an investigation of the conditions and facts contained in said petition pertinent thereto, and if in his judgment he is satisfied that the establishment of the proposed branch or change of location is justified he shall issue a certificate permitting the organization and maintenance of such branch or branches or change of location of a branch.

SHAREHOLDERS AND DIRECTORS

SECTION 38. Directors; qualifications; residence. At least three of the directors of any bank incorporated under the laws of this territory must be residents of this territory at the time of their election and during their continuance in office. If, at any time, when not more than three of the directors are residents of this territory, any director shall cease to be a resident of this territory, he shall cease to be a director of such bank and his office shall be vacant.

SECTION 39. Directors; stock ownership requirements. No person shall be eligible for election as director of a bank unless he is a shareholder of such bank, owning, in his own right, shares thereof of the par value of at least \$1,000.00 and every person elected to be a director, who, after such election, shall cease to be the owner in his own right of the amount of such stock aforesaid, or shall hypothecate or in any way pledge such security for any loan or debt, shall cease to be a director.

SECTION 40. Oath of directors. Each such director when appointed or elected shall take an oath that he will, as far as the duty

devolves upon him, diligently and honestly administer the affairs of such bank and will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to such bank, and that he is the owner in good faith and in his own right of shares of stock of the par value required in Section 39 of this Act, subscribed by him or standing in his name on the books of the bank, and that the same to an amount equal to the par value of at least \$1,000.00 is not hypothecated or in any way pledged as security for any loan or debt. Such oath shall be subscribed by the director making it, certified by the notarial officer before whom it is taken, and immediately transmitted to the treasurer of the territory and filed and preserved in his office; provided, the managers or agents residing in this territory, of a foreign corporation transacting any banking business in this territory, shall take oath that they will, as far as the duty devolves on them, diligently and honestly administer the affairs of such bank, and will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to such bank. Such oath shall be subscribed by the managers or agents taking it, certified by the officer before whom it is taken, and immediately transmitted to the treasurer and filed and preserved in his office.

SECTION 41. Directors' meetings; examination of reports. The board of directors of every bank shall hold a regular meeting at least once every month. At every such meeting the president or cashier shall submit a detailed report showing every loan and investment made during the preceding month or since the last report, also a separate report of all loans made to any officer, director or employee, whether made direct or indirect or contingent, and the amount of security held therefor, unless an advisory, discount or executive committee, the majority of whom are not active officers of the bank, shall make and file a written report stating that the committee has examined such detailed report and approved thereof, or stating its disapproval of any item appearing therein. The board of directors shall examine and pass upon such written report or the report of such advisory, discount or executive committee and make the same a part of the record of their meeting by recording the same in the minutes, and such record shall show their approval or disapproval.

SECTION 42. Vacancies on board; power to fill. Any vacancy in the board of directors may be filled by the board for the unexpired term.

SECTION 43. Official communications; submission to board. Every official communication directed by the treasurer of the territory or any examiner to any bank or to any officer thereof, relating to an investigation or examination, or containing sugges-

tions or recommendations as to the conduct of the business of such bank, shall be submitted by the officer receiving it to the board of directors at the next meeting of such board and duly noted in the minutes of the meeting of such board.

SECTION 44. Examination by bank auditor. Twice at least in every year every bank shall be examined by an auditor or auditors who shall be elected annually by the shareholders of the bank in general meeting.

No officer or director of the bank shall be eligible for election as an auditor of the bank.

If any casual vacancy occurs in the office of an auditor, the surviving auditor or auditors (if any) may act, but if there is no surviving auditor, the directors shall forthwith call a special general meeting of shareholders for the purpose of filling the vacancy or vacancies in the auditorship.

Every auditor shall have a list delivered to him of all books and records kept by the bank and shall at all reasonable times have access to the books and records of the bank; and any auditor may, in relation to the books and records, examine the directors or any officer of the bank.

The auditor or auditors shall make a report to the shareholders on the examination made by him or them, and on every balance sheet laid before the shareholders of the bank in general meeting during his or their tenure of office; and in every report shall state whether in his or their opinion the balance sheet referred to in the report is a full and fair balance sheet, properly drawn up, so as to exhibit a correct view of the state of the bank's affairs as shown by the books of the bank, and the report shall be read before the shareholders of the bank in general meeting.

RESERVE REQUIREMENTS AND RESERVE BANKS

SECTION 45. Amount of reserve; regulations and restrictions. Every bank shall have on hand at all times in actual money of the United States an amount equal to at least twelve per centum of the total demand deposits, and five per centum of the total time deposits of such bank; provided, however, that fifty per centum of the reserve required by law to be maintained may be deposited, payable on demand, in banks or trust companies (in this territory or elsewhere) approved by the treasurer of the territory; balance of such reserve shall be cash in vaults of such bank. Every savings bank or the savings department of any bank shall at all times maintain total reserves equivalent to five per centum of the aggregate amount of savings deposits; provided, that fifty per centum of the reserve required by law to be maintained may be

deposited, payable on demand, in banks or trust companies (in this territory or elsewhere) approved by the treasurer of the territory; balance of such reserve shall be cash in vaults of such bank. Provided, further, that banks in the territory having deposits in banks in the city of Honolulu may have on deposit in such bank fifty per centum of such cash required to be kept for commercial and savings deposits. No bank shall be required to maintain any reserve on deposits of the United States, deposits of the postal savings funds, secured deposits of the Territory of Hawaii, and any county or any city and county thereof. If any bank shall become a member of the federal reserve system, it shall comply with the reserve requirements of the federal reserve act and its amendments, and its compliance therewith shall be deemed a compliance with the provisions of this section relative to reserves.

SECTION 46. Deficiency in reserve; loans prohibited. Whenever the reserve of any bank shall fall below the amount required by this Act to be maintained, such bank shall not increase its loans and discounts other than the discounting or purchasing of bills of exchange payable at sight or on demand, nor increase the investment of its funds or distribution of its profits until the reserve required by this Act is restored.

SECTION 47. Deficiency in reserve; failure to make good; insolvency proceedings. Whenever the reserve of any bank is found by the treasurer of the territory to be less than the amount required by this Act, the treasurer shall notify such bank to make good such reserve, and in case such bank fails for a period of thirty days to make good such reserve, such bank may be proceeded against as provided in this Act for insolvency.

SECTION 48. Reserve; deposit in approved bank. No bank shall deposit any of its reserve funds in any other bank, except a federal reserve bank, unless such other bank has been approved by the territorial treasurer as a reserve bank and by a vote of a majority of the directors of such depositing bank.

SECTION 49. Percentage of capital to deposits. The aggregate paid-up capital together with the surplus and undivided profits of every bank must be not less than six and two-thirds per centum of its deposits. Any bank (except foreign banks herein otherwise provided for) which maintains branch offices must maintain a paid-up capital, surplus and undivided profits of not less than six and two-thirds per centum of the combined deposit liabilities of the main office and all branches. The deposits shall not be increased unless such proportion of paid-up capital, surplus and undivided profits to deposit liabilities is maintained; provided, that such deposit liabilities shall be exclusive of United States and

postal savings deposits and deposits of the Territory of Hawaii, of any county and of any city and county of the territory, and of any other government or political subdivision of the territory, which are secured as required by law.

LIMITATIONS ON BORROWED MONEY AND PUBLIC
FUNDS AND PLEDGING OF ASSETS.

SECTION 50. Borrowed money, bonds and rediscounts shown on books and reports; resolution required. Any bank borrowing money, bonds or rediscounting any of its notes shall at all times show on its books and accounts and in its reports the amount of such borrowed money, bonds or rediscounts. No officer or director or employee of any bank shall issue the note of such bank for borrowed money nor rediscount any note nor pledge any of the assets of such bank or borrow bonds, except when authorized by resolution of the board of directors of such bank and entered upon the minutes of meeting of board of directors. It shall be unlawful for any bank to issue its certificate of deposit for the purpose of borrowing money.

SECTION 51. Assets; pledge of, prohibited; exceptions; limitations on borrowed money.

No bank shall give preference to any depositor or creditor by pledging the assets of such bank, except as otherwise authorized by this Act; provided, that any bank is authorized and empowered for any temporary purpose to borrow money and pledge or hypothecate as collateral security therefor its assets not exceeding fifty per centum in excess of the amount borrowed.

Any bank may rediscount with and sell to a federal reserve bank any and all notes, drafts, bills of exchange, acceptances and other securities, with no restrictions, as fully and to the same extent as this privilege is given to national bank members under the terms of the federal reserve act, or by regulations of the federal reserve board made pursuant thereto; provided, that any bank operating and maintaining a commercial and a savings department shall not borrow money, rediscount or hypothecate any assets of the commercial department except for the sole and exclusive use and benefit of such commercial department; nor shall it borrow money, rediscount or hypothecate any assets of the savings department except for the sole and exclusive use and benefit of such savings department.

SECTION 52. Public funds; definition; pledge of assets to secure. Any bank may pledge its assets to secure public funds as authorized by this Act. The term "public funds", when used in this Act, shall be construed to mean:

1. Funds belonging to the Territory of Hawaii which may be deposited to the credit of the territory or to the official credit of the territorial treasurer ;

2. Funds belonging to any county or city and county within this territory deposited to the credit of any county or city and county or to the official credit of any county or city and county treasurer ;

3. Funds belonging to any county or city and county elsewhere than within the territory deposited to the official credit of the county or city and county treasurer ;

4. Postal savings fund or funds belonging to the United States deposited in such manner and under such rules and regulations as may be prescribed by the United States Government.

SECTION 53. Public custodian ; liability for securities pledged. The territorial treasurer, county or city and county treasurer, or any public officer having and holding in his possession or custody any bonds and other securities pledged to secure deposits of public funds, shall be liable for the return of any such bonds and other securities so pledged, and for failure to promptly return any such bonds or securities to the banks entitled thereto when all of the conditions attending the pledging thereof shall have been fully complied with such bank shall have its appropriate remedy by suit or action against such officials in addition to the remedies provided in Chapter 98 of the Revised Laws of Hawaii 1925, as amended and extended, but nothing herein shall avoid the primary liabilities of the government of the Territory of Hawaii and/or counties or city and county as provided for in said Chapter 98 of the Revised Laws of Hawaii 1925, as amended and extended.

LIMITATIONS ON LOANS AND INVESTMENTS

SECTION 54. Loans ; limitations ; exemptions. During a period of three years from and after July 1, 1931, no bank shall loan a sum or permit any individual, firm, company or corporation to become at any time indebted or liable, either directly or indirectly, to it for money borrowed including therein an extension of credit by the discount or purchase of the notes, bills of exchange or other obligations of such individual, firm, company or corporation in an amount exceeding thirty per centum of its aggregate paid-up and unimpaired capital and surplus, provided, however, that the amount that may be borrowed on loans not secured by real estate or collateral will not exceed twenty per centum of the aggregate paid-up and unimpaired capital and surplus, and after said period of three years in an amount exceeding twenty per centum of its aggregate paid-up and unimpaired capital and sur-

plus; provided, however, that the discount of bills of exchange drawn in good faith against actually existing values, including drafts and bills of exchange secured by shipping documents, conveying or securing title to goods shipped, and including demand obligations, when secured by documents covering commodities in actual process of shipment, and also including bankers' acceptances of kinds described in Section 13 of the federal reserve act shall not be computed in such restrictions, and provided, further, that the restrictions in this subdivision shall not apply to loans or investments in the interest-bearing obligations of the United States, or this Territory or any county or city and county or municipal or political subdivision of this territory, issued in compliance with the Organic Act and laws of this territory; provided, further, that any bank may loan to any individual, firm, company or corporation any amount providing such loans are secured by bonds or notes of the United States or certificates of indebtedness of the United States or of the Territory of Hawaii where the amount of such security shall be at any time not less than one hundred five per centum of the face amount of such loans. In computing the total liabilities, direct or indirect, of any person to a bank, there shall be included all liabilities to the bank of any copartnership or unincorporated association of which he is a member, and any loans made for his benefit or for the benefit of such copartnership or unincorporated association. In computing the total liabilities of any firm, copartnership or unincorporated association to the bank there shall be included all liabilities of its individual members and all loans made for the benefit of such copartnership or unincorporated association or any member thereof; and in computing the total liabilities of any corporation to a bank there shall be included all loans made for the benefit of the corporation.

SECTION 55. Acceptance of drafts and bills of exchange. Any bank may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods, or which grow out of transactions involving the domestic shipment of goods, provided shipping documents conveying or securing title are attached at the time of acceptance or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title covering readily marketable staples. No bank shall accept drafts or bills of exchange or issue letters of credit, whether in a foreign or domestic transaction, for any one person, company, firm or corporation to an amount equal at any one time in the aggregate to more than twenty per centum of its paid-up and unimpaired capital stock and surplus, unless the bank is secured

either by attached documents or by some other actual security growing out of the same transaction as the acceptance or letter of credit. Any bank may accept drafts or bills of exchange drawn upon it having not more than six months' sight to run, exclusive of days of grace, drawn under the regulations to be prescribed by the treasurer of the territory or bankers in foreign countries or dependencies or insular possessions of the United States for the purpose of furnishing dollar exchange, as required by the usage of trade in the respective countries, dependencies or insular possessions; provided, however, that no bank shall accept such drafts or bills of exchange for any one bank to any amount exceeding in the aggregate twenty per centum of the paid-up and unimpaired capital and surplus of the accepting bank, unless the draft or bill of exchange is accompanied by documents conveying or securing the title or by some other adequate security; provided, further, that no bank shall accept such drafts or bills of exchange in an amount exceeding at any time the aggregate of its paid-up and unimpaired capital and surplus. None of the regulations or restrictions contained in this section shall apply to loans, discounts or other extensions of credit secured by liberty bonds or by other bonds or securities issued by the United States Government, or the Territory of Hawaii or a municipality thereof, if the market value of such liberty bonds or other securities exceed by five per centum the amount of any such loan, discount or other extension of credit.

SECTION 56. Loans to officers, directors or employees: restrictions; liability of officers and directors. No bank shall make any loan or loans to any of its officers, directors, agents or employees, or to any company, firm, copartnership, or association, excluding however corporations, in which any of the officers or directors of any such bank may be interested, either directly or indirectly, except upon the written application of such person, firm, copartnership or association, stating the line of credit applied for, terms and security, if any, offered therefor to the board of directors of such bank, or to the advisory, discount or executive committee of such board of directors, and then only with the written approval of a majority of the board of directors of such bank or a majority of the advisory, discount or executive committee of such bank before such a loan is made, and the approval of such loan as allowed by the board of directors or the advisory, discount or executive committee of such bank shall be made a part of the minutes of the next directors' meeting of such bank. Any officer, director, agent or employee of any bank who shall knowingly permit the funds of such bank to be loaned in a dishonest manner or contrary to the provisions of this Act shall be held responsible in

his individual capacity for all damages which such bank, its shareholders, depositors, creditors or any persons have sustained in consequence thereof; provided, that loans may be made to officers, directors, agents or employees of any bank in any amounts where such loans are secured by bonds of the Territory of Hawaii, bonds or notes of the United States issued since April 24, 1917, or certificates of indebtedness of the United States, where the amount of such collateral is equal to at least one hundred five per centum of the amount of any such loan.

SECTION 57. Investment; valuation; entry on books. All investments made by any bank now held or hereafter acquired shall be charged or entered on the books of such bank in a sum not to exceed their cost to such bank; provided, that any bank with the written approval of the territorial treasurer may enter any investments on the books of such bank at the market value thereof.

SECTION 58. Real and personal property; right to purchase or hold; restrictions. Any corporation doing a banking business in this territory, under the provisions of this Act, may purchase, hold, convey, sell or lease real or personal property as herein provided, and not otherwise:

1. The land or lands and building or buildings in which the business of the bank is carried on, including its banking offices, other apartments in the same building to rent as a source of income; permanent or vacation residences for its officers and employees; furniture and fixtures, vaults and safe deposit vaults and boxes and other personal property such as may be appropriate to carry on its business. Such land or lands and building or buildings, residences, furniture and fixtures, vaults and safe deposit vaults and boxes shall not in the aggregate be carried on the books of such bank as an asset to an amount exceeding seventy-five per centum of its paid-up capital and surplus; provided, however, that any bank not owning its own building shall not invest over twenty-five per centum of its paid-up capital and surplus in furniture and fixtures. Hereafter the authority of a two-thirds vote of all directors shall be necessary to authorize the purchase of such land or lands and building or buildings, or the construction of such building or buildings. Provided that whenever such bank shall cease to use such real estate and improvements thereon for its place or places of business, it shall, within five years thereafter, sell such premises or cease to carry it or them as an asset or assets.

2. Such real or personal property as shall be purchased by or conveyed to such bank in satisfaction of or on account of debts previously contracted in the course of its business.

3. Such real estate purchased at execution sale or decree under securities held by such bank.

Any real estate acquired under subdivisions 2 and 3 of this section shall be sold within five years after title thereto is acquired, as provided in Section 59 of this Act.

Any bank hereafter acquiring any real estate in any manner other than provided by this section shall immediately, upon receiving notice from the treasurer of the Territory, charge the same to profit and loss, or otherwise remove the same from the assets, and when such loss impairs the capital of such bank such impairment shall be made good in the manner provided in this Act.

SECTION 59. Time real estate may be held. All real estate purchased by any bank at sales under pledges, mortgages or deeds of trust for its benefit for money loaned and such as may be conveyed to it by borrowers in satisfaction and discharge of loans made thereon and all other real estate owned or held by it, except as provided in paragraph 1 of Section 58, must be sold or exchanged for other real estate by such bank within five years after title thereto shall have vested in it by purchase or otherwise, or within such time as may be extended by the treasurer of the territory.

SECTION 60. Real estate loans; restrictions. No commercial bank shall, except for the purpose of facilitating the sale of property owned by the bank, make any loan on the security of real estate unless it shall be secured by a first lien on improved or unimproved real estate and shall not in any case exceed sixty per centum of the appraised market value of such real estate over and above all taxes due and bonded indebtedness for public improvements due. No commercial bank shall loan in the aggregate more than twenty-five per centum of the total of its capital, surplus and commercial deposits on obligations secured by real estate. These provisions, however, shall not prevent any bank from taking another and immediately subsequent mortgage or deed of trust thereon when it already holds a first mortgage or deed of trust on such real estate, nor from accepting a second lien on real estate to secure the repayment of a debt previously contracted in good faith; nor shall it prevent subsequent liens of any kind from being taken to secure the payment of a debt previously contracted in good faith when such subsequent liens are necessary further to secure the payment of any debt and to save such bank from loss. There shall be on file at such bank in support of such real estate obligation such appraisal, evidence of merchantable title and insurance as may be required by the treasurer of the territory.

SECTION 61. Stock in other companies; right to invest in; restrictions. Hereafter no bank shall invest any of its assets in the capital stock of any other corporation except as follows:

(a) In the capital stock of a federal reserve bank;

(b) In such stock as it may acquire or purchase to save a loss on a pre-existing debt; such stock to be sold, however, within twelve months of the date acquired or purchased, or within such further time as may be granted by the treasurer of the territory;

(c) In the capital stock of any safe deposit company organized and existing under the laws of this territory and doing an exclusive safe deposit business; provided, that the purchasing and holding of said stock is first duly authorized by resolution of the board of directors of the bank, stating the number and amount of the shares which the bank may purchase and hold;

(d) In the capital stock of a corporation organized and existing for the purpose of ownership of the property and building or buildings upon which the business of said bank (including branches) is conducted and matters in furtherance thereof;

(e) In the capital stock of agricultural and live stock finance companies to the same extent, in the same manner and subject to the same limitations as national banks are now authorized or may hereafter be authorized.

SECTION 62. Purchase or acceptance of own stock as collateral prohibited. No bank shall accept as collateral or be the purchaser of shares of its own capital stock, except in cases where the taking of such collateral or such purchase shall be necessary to prevent loss upon an indebtedness previously contracted in good faith, and in such cases, unless full payment of such indebtedness is made, such stock shall be sold by such bank within six months from the date it was received as collateral or acquired by purchase.

SECTION 63. Loans on stocks of other banks. No bank shall hereafter make a loan secured by the stock of another bank, if by making such loan the total stock of such other bank held by such loaning bank as collateral will exceed in the aggregate fifty per centum of the capital stock of such other bank.

SECTION 64. Dealing in goods and chattels prohibited; carrying as assets; time limit; title plant. No bank shall employ its funds, directly or indirectly, in trade or commerce, by buying or selling ordinary goods, chattels, wares and merchandise, or by owning or operating industrial or manufacturing plants of any kind; provided, that it may sell all kinds of property which may come into its possession as security for loans or in the collection

of debts; provided, further, that any goods or chattels coming into the possession of any bank as aforesaid shall be disposed of as soon as practicable and shall not be considered a part of the assets of such bank after the expiration of six months from the date of acquiring same, unless with the written consent of the treasurer of the territory.

SECTION 65. Claims and judgments; carrying as assets; time limit; exception. Claims against the estates of deceased or incompetent persons or against the estates of insolvent persons, copartnerships, associations or corporations and judgment against any person, copartnership, association or corporation shall not be carried as an asset upon the books of any bank for a longer period than two years unless a written extension of time is granted by the treasurer of the territory; provided, that duly authorized loans made to the executor, administrator, guardian or trustee of any estate shall not be so limited.

SECTION 66. "Bad debts" defined; duty to charge off. All debts to any bank on which interest for a period of one year is unpaid, unless the same are well secured and are in process of collection, shall be considered bad debts and shall be charged off upon instruction of the treasurer of the territory or any duly appointed examiner.

DIVIDENDS

SECTION 67. Limitations on dividends; additions to surplus. No bank shall declare or pay any dividend to an amount greater than its undivided profits then on hand, deducting therefrom:

1. All losses.
2. All debts, unless the same are well secured, on which interest for a period of one year is unpaid and debts upon which final judgment has been recovered but has been for more than one year unsatisfied and on which interest for a period of one year is unpaid, unless the same are well secured.
3. All assets which the bank examiner may have required to be charged off.
4. All expenses, interest, taxes and depreciation.

SECTION 68. Record of dividends declared. A full and complete record of the proceedings and business transacted by the board of directors of any bank shall, at all meetings where dividends may be declared, be spread upon the bank's minutes.

SECTION 69. Losses charged to surplus; restoration of surplus. Any loss sustained or any deduction made as provided in

section 67 by any bank in excess of its undivided profits shall be charged to its surplus fund; provided, that its surplus fund shall thereafter be reimbursed from the earnings, and no dividends shall thereafter be declared or paid by any such bank in excess of one-half of its net earnings until such surplus fund shall be restored to at least twenty-five per centum of the paid-up capital.

SAVINGS BANKS AND SAVINGS DEPARTMENTS

SECTION 70. Establishment of savings department. Every savings bank and any bank having a savings department shall maintain such savings bank or savings department in compliance with the provisions of this act. No savings department of a commercial bank shall hereafter be established except by authority of a resolution to be adopted at a regular meeting of the board of directors and recorded in the minutes thereof, and a certified copy of such resolution shall be filed with the treasurer of the territory; and such action shall not become effective until approved by him.

SECTION 71. Segregation of investments; penalty. Any bank combining the business of a commercial bank and savings bank shall keep separate its investments relating to each department by the provisions of this act specifically provided for the respective kinds of business, and shall segregate all bonds, warrants, notes, mortgages, deeds and other securities of every nature of such savings department which shall be marked, stamped or labeled "savings department", or some similar words, and the same shall be held solely for the repayment of the depositors of such department and shall not be liable for nor pledged as security for, or used to pay any other obligation or liability of such bank, except as otherwise authorized by this Act, until after the payment in full of all depositors of such savings department; provided, however, that branches of banks shall not be required to segregate loans, securities and investments in which savings deposits or assets may be represented or invested, if the main office shall segregate, identify and set apart qualified loans, bonds, and investments marked, stamped or labeled "savings department" or "savings depositors securities" or some similar words, sufficient in amount and value together with proper cash reserves to fully pay and for the repayment solely of the depositors of savings deposits in not only the main office but also all of the branches of the bank. After one year from July 1, 1931, any bank establishing, or maintaining or continuing to maintain a savings department which shall not in every respect comply with the provisions of this section, shall be subject to a penalty of \$50 for each day of any failure, neglect or refusal to comply. Such penalty may be collected by the treasurer of the territory.

SECTION 72. By-laws; adoption; deposits; withdrawal; restrictions. Each savings bank, or the savings department of any bank, must prescribe by its by-laws or by contract with its depositors the time and conditions on which repayment is to be made to depositors.

SECTION 73. Interest on savings deposits; liability of other departments. The directors of any savings bank or of any bank establishing or maintaining or continuing to maintain a savings department may provide that such rate of interest shall be paid on savings deposits as they may see fit, payable at such periods and upon such terms and conditions as may be reasonable.

SECTION 74. Pass books; contents. A pass book shall be issued to every depositor in a savings bank or in the savings department of a bank, containing the rules and regulations adopted by the board of directors governing such deposits, in which book shall be entered each deposit (except on certificates of deposit) made by and every payment made to such depositors, and no payment or any check against any such savings account shall be made unless accompanied by and entered in the pass book issued therefor, except for good cause and on assurance satisfactory to the officers of such bank.

SECTION 75. Certificates of deposit; issuance; regulations. No savings bank nor savings department of any bank shall issue demand certificates of deposit, but may issue time certificates if the same be clearly identified and designated as issued by such savings bank or savings department. Commercial banks may issue certificates of deposit, both time and demand, if the same are clearly identified and designated as commercial certificates of deposit.

SECTION 76. Overdrafts prohibited. No savings bank or savings department of any bank shall permit a depositor to overdraw his account.

SECTION 77. Real estate or personal property; dealing in prohibited. No savings bank or savings department of any bank shall directly or indirectly deal or trade in real or personal property in any other case or for any other purpose than is authorized by this Act.

SECTION 78. Investments authorized for savings departments. Subject to the provisions of Sections 45, 46 and 57 of this Act, seventy-five per centum of all moneys deposited in any savings bank or in the savings department of any bank shall be invested in the following classes of securities and not otherwise; and any part of the remaining twenty-five per centum thereof may similarly be invested or may be maintained as reserves on hand or on demand deposit with a reserve bank or banks; viz:

1. In interest-bearing bonds, notes or obligations of the United States of America, or of those for which the faith of the United States is pledged for the payment of the principal and interest.

2. In the bonds, warrants or other obligations of the Territory of Hawaii or any county or city and county of this territory; or in the bonds of any state of the United States of America, or any county, school district or incorporated city or town therein having a population of not less than 25,000 inhabitants as shown by the federal census next preceding the date of such investment; provided such bond, note or warrant has been issued in compliance with the constitution and laws of any such state, and provided there has been no default in payment of either principal or interest on any of the general obligations of such state, county, school district, city or other municipal corporation for a period of five years next preceding the date of such investment; and provided further, that such bonds, warrants or other obligations are a general obligation of the state, county, school district, city or town issuing the same.

3. In bonds of any corporation which at the time of such investment is incorporated under the laws of the United States or any state or territory thereof or the District of Columbia, provided the total obligation of any one debtor shall not exceed twenty per centum of the aggregate of the capital and surplus of the bank.

4. In street or improvement district bonds of any district or project in the Territory of Hawaii.

5. In notes or bonds secured by first lien upon improved real estate and improvements thereon in the Territory of Hawaii, provided, that in each case the amount of such obligation shall not exceed sixty per centum of the appraised market value of the security over and above all taxes due and bonded indebtedness due. The aggregate of such investments shall not exceed seventy-five per centum of the total savings deposits of said bank.

6. In the notes of any individual, copartnership, association or corporation, with a pledge as collateral of securities or personal property, the cash market value of which in each case shall be at least thirty-three and one-third per centum more than the amount of such loan; provided, however, that such assets may be invested in the notes of any individual, copartnership, association or corporation secured by bonds or notes of the United States, or certificates of indebtedness of the United States, or any other securities which are eligible as investments under the provisions of this section, where the actual cash market value of such security is at least ten per centum more than the amount of such loan and the accrued interest thereon.

7. In real estate, subject to the provisions and restrictions contained in Section 58 of this Act.

8. In obligations eligible for rediscount with a federal reserve bank. The aggregate amount of such loans shall not exceed twenty-five per centum of the total savings deposits of such bank.

9. In the bonds of the United Kingdom of Great Britain and Ireland, Kingdoms of Belgium, Denmark, Norway, Sweden, Republic of Switzerland, Empire of Japan, and the Dominion of Canada or any province thereof, or in the bonds of other foreign countries and/or their political subdivisions and/or municipalities, as the treasurer in his discretion may approve.

10. In the bonds of federal land banks created pursuant to the federal farm loan act approved July 17, 1916, and in bonds issued by any joint stock land bank, provided, that not more than ten per centum of the savings deposits of any bank shall be invested in such bonds.

11. Promissory notes made payable to the order of the bank secured by the pledge and assignment of moneys deposited in any savings bank or the savings department of any bank as collateral security for the payment thereof. No such loan shall exceed ninety-five per centum of the balance due the depositor.

12. In bankers' acceptances of the kinds described in Section 13 of the federal reserve act, or in bills of exchange of the kind and maturities made eligible by law for purchase in the open market by federal reserve banks, in an amount not exceeding twenty per centum of the total savings deposits of such bank.

13. In collateral call loans payable on demand or in collateral time loans payable on or before six months from date secured by the pledge of stock or bonds with an actual cash market value of at least one hundred twenty per centum of the amount of such call loans, and in an amount not exceeding twenty per centum of the total savings deposits of such bank.

FOREIGN BANKS

SECTION 79. Powers and restrictions. No foreign bank, as defined in Section 6 of this Act, shall hereafter be permitted to engage in any banking business in this territory except as in this Act provided.

(1) Any foreign bank which, at the time of the approval of this Act, was lawfully authorized to engage in any banking business in this Territory, may continue to do such business thereafter, and shall possess and be entitled to exercise the same rights

and privileges and be subject to the same limitations, requirements and restrictions, as respects its business in this territory, as by this Act are given to or placed upon other banks already existing and authorized to transact a like business in this territory, provided, however, that every such foreign bank, desiring to continue doing a banking business as aforesaid, shall, prior to July 1, 1932, allocate to its business in this territory an amount of capital, surplus and undivided profits having the same ratio to its deposit liabilities in this territory as required of other banks by Section 49 of this Act.

(2) Foreign banks, other than those referred to in the last preceding paragraph, shall be limited to the business of making and collecting loans, buying and selling, paying and collecting bills of exchange, issuing letters of credit, receiving money for transmission and transmitting the same by draft, check, cable or otherwise; provided that no such bank shall be authorized to engage in any such business until it shall have received from the treasurer of the territory a certificate permitting it to do so. The treasurer may require from such bank all facts necessary for him to determine whether or not the public convenience and advantage will be promoted by issuing such certificate, and may in his discretion refuse to issue such certificate. Such banks, when authorized to engage in any business aforesaid, shall possess and be entitled to exercise the same rights and privileges and be subject to the same limitations, requirements and restrictions, as respects the business so authorized, as by this Act are given to or placed upon other banks transacting a like business in this territory.

GENERAL PROVISIONS

SECTION 80. Notary connected with bank; authority to take acknowledgments. It shall be lawful for any notary public, although a shareholder, director, officer or employee of a bank, to take the acknowledgment of any party to any written instrument executed to or by such bank, or to administer an oath to any shareholder, director, officer, employee or agent of such bank, or to protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by such bank; provided, it shall be unlawful for any notary public to take the acknowledgment of any party to an instrument, or to protest any negotiable instrument, where such notary is individually a party to such instrument.

SECTION 81. Certified checks. No officer, director, shareholder, agent, clerk or employee of any bank shall certify to a check unless the amount thereof actually stands to the credit of

the drawer on the books of such bank. The amount of any check certified shall be at once charged to the drawer's account, there to remain until such certified check is paid or retired. Where a check is certified by the bank on which it is drawn, the certification is an agreement to pay according to the tenor of the check as drawn by the drawer, except as it may be expressly qualified by the certifying bank, and is an admission by the certifying bank only of the existence of the drawer, the genuineness of his signature and his capacity and authority to draw the check. Certification of a check or other negotiable instrument which has been materially altered in body or indorsement in any respect after issuance by the drawer or maker shall impose no liability upon the certifying bank, except that in the hands of a holder in due course payment may be enforced according to the original tenor of the instrument.

SECTION 82. Taxation of banks. Banks subject to the provisions of this Act shall not be taxed in respect to their property, real or personal, under any other law, to a greater extent than competing national banks in the territory, all other laws to the contrary notwithstanding.

SECTION 83. Deposits by minors. When any deposit with a bank shall have been or shall be made by or in the name of any minor, such deposit shall be held for the exclusive right and benefit of the minor and free from the control or lien of all persons, and shall be paid, together with the dividends, if any, and interest, if any, thereon, to the minor, and the receipt or acquittance of the minor shall be a valid and sufficient release and discharge for the deposit or any part thereof, to the bank; provided, that in case any guardian or trustee shall be appointed for the minor, any court having jurisdiction may order the deposit to be placed under the control of the guardian or trustee, and the bank shall, upon receipt of a certified copy of the order, pay over or credit to the guardian or trustee the deposit and any dividends and interest pertaining thereto; and the receipt or acquittance of the guardian or trustee shall be a valid and sufficient release and discharge for the deposit, or any part thereof, to the bank.

SECTION 84. Deposits by trustees. When any deposit with a bank shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the bank, then, in the event of the death of the trustee, such deposit, or any part thereof, together with the dividends or interest, if any, thereon, may be paid to the person for whom the deposit was made; and the payment and the receipt or acquittance of the one to whom the

payment is made shall be a valid and sufficient release and discharge to the bank, for all payments so made on account thereof.

SECTION 85. Joint deposits. When a deposit with a bank shall be made by any person in the names of the depositor and another person, or persons, and in form to be paid to either, or the survivor or survivors, of them, deposits thereupon and any additions thereto made by either, or any, of such persons, shall, upon the making thereof, become the property of such persons, as joint tenants, and such deposit and deposits, together with all interest thereon, shall be held for the exclusive use of the persons so named, and may be paid to either, or any, of such persons, during the lifetime of all or any, or to the survivor, or survivors, after the death of one or more of them; and such payments, and the receipts or acquittances of the one to whom the payments are made, shall be a valid and sufficient release and discharge to the bank for all payments so made on account thereof.

SECTION 86. Authorized signatures; checks drawn by agents. Whenever any person, firm or corporation, being the owner of any deposit account subject to check in any bank, shall have authorized any person as agent or officer of said person, firm or corporation to draw checks on such bank against said account, the bank, in the absence of written notice to the contrary, shall be justified in presuming that any check drawn by said agent or officer in the form or manner authorized by such principal, including checks drawn to personal order of such agent or officer, was drawn for a purpose authorized by the principal and within the scope of the authority conferred upon the agent or officer.

SECTION 87. Adverse claim to deposit; notice; effect. Notice to any bank doing business in this territory of an adverse claim to a deposit standing on its books to the credit of any person shall not be effectual to cause said bank to recognize said adverse claimant unless said adverse claimant shall also either procure a restraining order, injunction or other appropriate process against said bank from a court of competent jurisdiction in a cause therein instituted by him wherein the person to whose credit the deposit stands is made a party and served with summons, or shall execute to said bank, in form and amount and with sureties acceptable to it, a bond indemnifying said bank from any and all liability, loss, damage, costs and expenses for and on account of the payment of such adverse claim or the dishonor of the check or other order of the person to whose credit the deposit stands on the books of said bank; provided, that nothing herein shall preclude the bank from refusing to pay either claimant until the rights of the parties shall be lawfully determined, and no damages shall be claimable against

the bank on account thereof; and provided, further, that this section shall not apply in any instance where the person to whose credit the deposit stands is a fiduciary for such adverse claimant, and the facts constituting such relationship, as also the facts showing reasonable cause of belief on the part of the said claimant that the said fiduciary is about to misappropriate said deposit, are made to appear by the affidavit of such claimant.

SECTION 88. Intoxicated person or persons under influence of drugs; checks drawn by. It shall be lawful for any bank to refuse to pay any check, draft or order drawn upon it when the officers of such bank in good faith have reason to believe that the person signing or indorsing the instrument is or was so under the influence of liquor or drug as to make it reasonably doubtful whether such person is or was at the time of signing or indorsing such check, draft or order capable of intelligently transacting business; and no damages shall be claimable against the bank or its officers on account thereof.

SECTION 89. Non-payment of check through error. Liability. No bank shall be liable to a depositor because of non-payment, through mistake or error, and without malice, of a check which should have been paid, unless the depositor shall allege and prove actual pecuniary damages by reason of such non-payment, and in such event the liability shall not exceed the amount of actual pecuniary damages so proved.

SECTION 90. Stop payments; notice; time and effect. No revocation, countermand or stop-payment order relating to the payment of any check or draft against an account of a depositor in any bank shall remain in effect for more than four months after the service thereof on the bank, unless the same be renewed, which renewals shall be in writing and which renewals shall be in effect for not more than four months from date of service thereof on the bank, but such renewals may be made from time to time. All notices affecting checks upon which revocation, countermand or stop-payment order have been made on or prior to July 1, 1931, shall not be deemed to continue for a period of more than four months after July 1, 1931. Any bank which in good faith acts upon a revocation, countermand or stop-payment order, whether oral or written, shall be protected in so doing against the drawer of the check or other parties.

SECTION 91. Forged, raised, or stale checks; payment; liability. No bank which has paid and charged to the account of a depositor a forged or raised check issued in the name of such depositor, shall be liable to such depositor for the amount paid thereon, unless within one hundred and twenty days after the return to

said depositor of the voucher representing such payment said depositor shall notify the bank that the check so paid was forged or raised; provided, however, that if the depositor fails to call at the bank for the purpose of securing the return of said voucher within five months from the date on which such check is paid, then the bank shall be under no further liability on account of such payment. Where a check or other instrument payable on demand at any bank doing business in this territory is presented for payment more than six months from its date, such bank may, unless expressly instructed by the drawer or maker to pay the same, refuse payment thereof, and no liability shall thereby be incurred to the drawer or maker for such dishonor thereof.

SECTION 92. Credit for checks, drafts, notes or other instruments; deposited. Any credit allowed by any bank, organized under the laws of or doing business in this territory, for any check, note or other instrument providing for the payment of money and drawn on or payable at the same bank in which it is deposited, or on or at any other bank, or on or at any branch of the same bank, or on any other party, shall be only provisional, subject to final payment and to the receipt by the bank in which it is deposited of the funds in actual money, or in solvent credit on the books of any federal reserve bank, or on the books of any bank designated as a depository by the forwarding bank; provided, that any check, note or other instrument providing for the payment of money and drawn on or payable at the same bank in which it is deposited shall either be found good or else returned unpaid, or notice of dishonor duly sent, at or before the end of the business day next succeeding the day on which the item was deposited; and further provided, that when such check, note or other instrument providing for the payment of money is drawn on or payable at any other bank, or on any other party, it shall be sent in course of collection by the end of the next succeeding business day or by the first outgoing mail thereafter and may be forwarded for the purpose of collection directly to the bank on or by which it is drawn, or at which it is made payable, or to any federal reserve bank, or to any other bank in the usual course of business: and in payment thereof there may be accepted either money or the check or draft of the bank on or by which it is drawn or at which it is made payable, or the check or draft of any bank to or through which it has been forwarded for collection, or credit therefor may be accepted with any federal reserve bank, or with any bank designated as a depository by the forwarding bank. In forwarding for collection any check, note or other instrument, or receiving payment therefor, in any manner aforesaid, the bank shall not be liable in the event of the insolvency or other default or for any act or omission of any other bank employed directly or indirectly

in handling the collection of such check, note or other instrument, or of any bank on or by which the draft received in payment is drawn; nor shall it be liable for the payment of any check, or draft, or credit as may have been accepted in payment therefor, nor for the loss or destruction of, or inability to repossess itself of any check, note or other instrument in transit or in the possession of others. Until the proceeds of any check, note or other instrument providing for the payment of money shall have been actually received by the bank allowing such credit, in actual money or in solvent credit on the books of any federal reserve bank or on the books of any bank designated as a depository by the forwarding bank, such check, note or other instrument may be charged back to or collected from the depositor from whom it was received regardless of whether or not the check, note or other instrument itself can be returned.

Any check, note or other instrument providing for the payment of money and drawn on or payable at one office or branch of any bank organized under the laws of or doing business in this territory, and received for deposit or collection or for any other purpose at another office or branch of such bank, shall be deemed for all the purposes of this section as drawn on or payable at another bank.

Any provision of this section may be modified or set aside by an agreement in writing between any such bank and any party from whom any check, note or other instrument is received for collection, deposit, or other purpose.

SECTION 93. Collections; forwarding of instrument; due diligence. Any bank organized under the laws of or doing business in this territory, receiving for collection or deposit any check, note or other negotiable instrument drawn upon or payable at any other bank, whether located in the same or another city or town or in the vicinity thereof, whether within or without the territory, or drawn upon a drawee, and/or payable by a payor in the general vicinity of any such bank, may, at its own option, forward such instrument for collection by mail, or otherwise, directly to the bank on which it is drawn or at which it is made payable, or may forward such collection through a federal reserve bank or any other banking agency, except where such items are received by a bank which is a member of a recognized clearing house and by virtue of being drawn on or payable at another member bank of such clearing house are properly payable through such clearing house; and in payment of such collection such bank, federal reserve bank or other agency may accept the exchange or draft of the collecting bank or payor bank. Such method of collection shall release the

forwarding bank and intermediate agencies from any liability in the event of the insolvency or other default of the collecting bank or payor bank or any correspondent upon which its exchange or draft may be drawn, and shall constitute due diligence in the collection thereof, notwithstanding the fact that such collection bank or payor bank may or may not be located in the same city or town; and the length of time taken for the collection of any such items in the manner aforesaid shall be and the same is hereby declared to be a reasonable time within the contemplation of any law in this territory in regard to the presentation of checks, notes or other negotiable instruments for payment.

GENERAL VIOLATIONS AND PENALTIES

SECTION 94. False statements or entries. Any officer, director or employee of a bank in this territory who shall wilfully or knowingly subscribe to or make or cause to be made any false statement or report to the treasurer of the territory, or any false entry in the books or accounts of the bank, or who shall knowingly subscribe to or exhibit false papers with the intent to deceive any person or persons authorized to examine into the affairs of such bank or of its directors, or who shall knowingly state or publish any false report or statement of such bank or prepare any false minutes, with intent to deceive any examiner or any person authorized to examine the affairs of such bank or the directors thereof, or who shall fail to make proper entry upon the books or records of such bank to disclose the true condition of such bank, or who shall make any entry upon the books or records of such bank with intent to deceive or conceal the true condition thereof, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than two years, or by both such fine and imprisonment, in the discretion of the court.

SECTION 95. False entries on books or reports. Any officer, director, employee or agent of a bank in this territory who shall make a false or misleading entry or wilfully omit to make entry in any book, report or statement of the business, affairs or condition, in whole or in part, of such bank, with respect to any matter particularly pertaining to the business, with intent to deceive or conceal the true condition of the business from any officer, director or any agent, examiner, or other person employed or lawfully appointed to examine into the condition of any of its affairs, or any public officer, office or board to whom or which such bank is required by law to report, or having authority by law to examine into any of its affairs, or who, with like intent, shall cause, aid or abet any other person to make any such false entry or to fail to

make a requisite entry, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than \$1,000.00 or by imprisonment of not more than two years, or by both such fine and imprisonment, in the discretion of the court.

SECTION 96. Embezzlement of funds or assets. Every officer, director or employee of a bank who embezzles, abstracts or wilfully misapplies any of the money, funds, credits, assets or property of such bank, whether owned by such bank or held for safe keeping or as agent, or held in trust; or who, without authority of the board of directors of such bank, issues or puts forth any certificate of deposit, draws any order, draft or bill of exchange, makes acceptance, assigns any note, bond, draft, bill, bill of exchange, mortgage, judgment or decree, or makes any false entry in the books or statements of the bank, with the intent in any case to injure or defraud such bank or any officer thereof; or who, with like intent, aids or abets any other officer, director or employee of any bank in any violation of this section; shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than \$1,000.—or by imprisonment for not more than twenty years, or by both such fine and imprisonment, in the discretion of the court.

SECTION 97. Receiving deposits when insolvent. Any director or officer of a bank who receives or permits to be received any deposit, knowing such bank to be insolvent, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than \$1,000.00 or imprisonment for not more than five years, or by both such fine and imprisonment, in the discretion of the court.

SECTION 98. Receiving illegal compensation. Any officer, director, agent, teller, clerk or employee of a bank who asks for, receives or consents or agrees to receive, any commission, emolument, gratuity, compensation or reward, or any promise of any commission, emolument, gratuity, compensation or reward, or any money, property or thing of value or of personal advantage, for procuring or endeavoring to procure for any person, firm or corporation any loan from such bank, or the purchase or discount of any paper, note, draft, check or bill of exchange by such bank, or for permitting any person, firm or corporation to overdraw any account with such bank, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than five years, or by both such fine and imprisonment, in the discretion of the court.

SECTION 99. Illegal guaranty or indorsement. Any officer, director or agent of a bank in this territory who makes or delivers any guaranty or indorsement on behalf of such bank whereby it may become liable upon any of its discounted notes, bills or obligations, in any sum beyond the amount of loans and discounts which such bank may legally make, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

SECTION 100. Fraudulent insolvency. Any officer or director of a bank in this Territory who, in case of the fraudulent insolvency of such bank, shall have participated in such fraud, or any officer or director who wilfully does any act, as such officer or director, which is expressly forbidden by law, or wilfully omits to perform any duty imposed upon him as such officer or director by law, shall be guilty of a felony and upon conviction thereof shall be punished by a fine of not more than \$1,000.00 or imprisonment for not more than five years, or by both such fine and imprisonment, in the discretion of the Court. The insolvency of a bank is deemed fraudulent unless its affairs appear, upon investigation, to have been administered legally and with care and diligence.

SECTION 101. Slander of Bank; false rumors. Any person who wilfully and knowingly makes, circulates or transmits to another or others any statement or rumor, written, printed or by word of mouth, which is untrue in fact and which is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any bank, or national bank, doing business in this territory, or who knowingly counsels, aids or procures another to start, transmit or circulate any such statement or rumor, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not more than one year or by a fine of not more than \$1,000.00 or by both such fine and imprisonment, in the discretion of the court.

SECTION 102. Attorney general to conduct actions. The attorney general of this territory shall conduct all civil actions, suits or proceedings begun by the treasurer under authority of this act, and may call to his assistance the county or city and county attorney of the county or city and county in which such actions, suits or proceedings are conducted.

SECTION 103. Witness; failure to testify or produce records; penalty. Any person who shall neglect or refuse to attend and

testify or answer any lawful inquiry or to produce books, papers, accounts, records, contracts or documents, if in his power to do so, in obedience to the subpoena or lawful requirements of the treasurer, or any deputy or examiner employed by the treasurer, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

SECTION 104. General penal clause. Any officer, manager, director or employee of any bank in this territory who wilfully and knowingly violates any of the provisions of this act, for which a penalty is not expressly provided herein, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than \$1,000.00, or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

VOLUNTARY LIQUIDATION

SECTION 105. Procedure upon voluntary liquidation shall be the same as is prescribed by law for corporations in general.

CAPITAL IMPAIRMENT

SECTION 106. Sale of assets to another bank. Whenever the capital of a bank shall be impaired and the treasurer of the territory shall determine such fact, either from his own examination or the examination of any duly authorized deputy bank examiner or from the report made by any such bank, then such bank, by authority of its board of directors and with the approval of the treasurer and upon such terms as shall be authorized by the treasurer, may sell all or any of its assets to any other bank which will take over and assume its liabilities.

SECTION 107. Capital impaired; shareholders' meeting; levy of assessment; closing and reopening of bank. The capital of a bank shall be deemed impaired within the meaning of this act when the cash market value of the assets of such bank is insufficient to pay its liabilities plus the amount of its paid-up capital stock. Whenever it shall appear to the treasurer, either from his own examination or the examination of any duly appointed bank examiner or from any report made by any bank to the treasurer of the territory that the capital of such bank is impaired, the treasurer shall notify such bank to make good such impairment. It shall be the duty of the directors of the bank receiving such notice to immediately call a meeting of the shareholders of such bank for the purpose of making an assessment on the stock of such bank sufficient to cover the impairment of the capital; which meeting shall be within fif-

teen days of the date of the receipt of such notice. It shall be the duty of the shareholders at such meeting to make an assessment on the stock of such bank sufficient to cover the impairment of the capital, or to reduce the capital of such bank to the extent of such impairment provided such reduction will not place said capital below the amount required by law. The failure to call such meeting of the shareholders, as herein provided, or the failure to hold such meeting, or to either levy assessment herein provided for, or reduce the capital as herein provided, shall entitle the treasurer to immediately close such bank and take possession of its assets and proceed with the liquidation of such bank as herein provided. Such bank may, with the consent of the treasurer, resume business upon such conditions as may be approved by him.

SECTION 108. Notice of assessment; failure to pay; sale of stock. The directors of any bank which has received notice from the treasurer to make good any impairment of capital shall fix the time when the assessment made at the shareholders' meeting shall become due and payable, which time shall be not less than fifteen days nor more than thirty days after such assessment is levied. Notice of such assessment shall be mailed to each shareholder at his postoffice address as shown by the stock books of such bank. If any shareholder shall fail to pay in cash the amount of the assessment against his stock for a period of thirty days after same shall become due and payable, the directors of said bank shall sell the same at public sale upon ten days' notice, to be given by posting copies of such notice of sale in three public places in the city, town or community where such bank is located, or at private sale, after giving the shareholder ten days' written notice by registered mail addressed to his postoffice address as shown by the stock books of such bank. Upon sale of any stock as herein provided, the purchaser shall forthwith become liable for and shall pay in cash the amount of the assessment thereon. The amount received from the sale of such stock shall be paid into the bank and shall be first applied toward the cost and expenses of the sale and any balance remaining shall be paid to the party owning said stock at the time the assessment was made. The sale of stock as herein provided shall effect an absolute cancellation of the outstanding certificate or certificates evidencing the stock so sold and shall make the same null and void, and a new certificate shall be issued by the bank to the purchaser thereof.

INSOLVENCY

SECTION 109. "Insolvency" defined. A bank shall be deemed to be insolvent when either of the following conditions exists:

1. When the cash market value of its assets is insufficient to pay its liabilities;

2. When it shall fail to make good its surplus as required by this Act.

SECTION 110. Placing business in hands of treasurer; notice. Any bank doing business in this territory subject to this Act may place its business and assets under the control of the treasurer of the territory, to be liquidated, as herein provided, by posting a notice on its door as follows: "This bank is in the hands of the treasurer of the territory." Immediately upon posting such notice an executive officer of such bank shall notify the treasurer of such action in person, by mail and wireless, or other expeditious means of communication. The posting of the notice of possession of any bank by the treasurer shall be sufficient to place all of its assets and property of whatever nature in the legal possession of said treasurer and shall operate as a bar and dissolution to any attachment proceedings.

SECTION 111. Resumption of business; conditions. If the treasurer shall discover, upon taking charge of a bank, as herein provided, that such bank is only temporarily embarrassed for want of available funds, and that in his opinion its assets are sufficient to pay its liabilities, leaving its capital unimpaired, or if the shareholders of such bank will satisfactorily arrange to make good its capital, if impaired, he may permit the officers and directors of such bank to arrange with its depositors and creditors for extension of time for payment of said depositors and creditors and the resumption of business by said bank. And when the treasurer shall be satisfied that the capital of said bank has been made good and that the surplus of the bank can be restored and that it is solvent and has funds on hand with which to meet the demands made on it in the ordinary way, and that it has satisfactorily arranged with its depositors and creditors for such extension of time as to enable said bank to realize on its assets to meet such obligations, he may at any time within sixty days after taking charge of such bank permit it to resume business; provided, however, that such bank shall pay all expenses of the treasurer and his employees in so taking charge of and looking after the affairs of said bank during the time it was under his control.

SECTION 112. Injunction against treasurer holding possession. At any time within ten days after the treasurer has taken possession and control of the property and business of any bank for any cause specified in this Act, such bank may apply to the circuit judge presiding at chambers in the circuit court of the judicial circuit in which the principal office of such bank is located in this

territory for an order requiring the treasurer to show cause why he should not be enjoined from continuing such possession. If it shall appear to the court that the possession of the treasurer is unwarranted the court may direct the treasurer to refrain from further proceedings and to surrender such possession.

SECTION 113. Receivers and assignments for benefit of creditors; restrictions. No receiver shall be appointed by any court for any bank doing business under the laws of this territory, except upon notice to the treasurer of the territory, unless in the judgment of the court such appointment shall be necessary in order to preserve the assets of such bank. No assignment shall be made by any bank for the benefit of its creditors except upon notice to the treasurer. If the treasurer shall within five days after the service of either such notice upon him, take possession of such bank, no further proceedings shall be had upon such application for the appointment of receiver or under such deed of assignment, or, if a receiver has been appointed or such assignee shall have entered upon the administration of his trust, such appointment shall be vacated or such assignee shall be removed upon application therefor made by the treasurer to the proper court, and the treasurer shall proceed in all such cases to administer the assets of such bank as in this Act provided.

SECTION 114. Transfer of assets in contemplation of insolvency void. All transfers by any bank of notes, bonds, bills of exchange or other evidence of debt owing to such bank or of deposits to its credit, all assignments of mortgages, securities or real estate, of judgments or decrees in its favor, and all deposits of money, bullion or other valuable thing made for its use or for the use of any of its shareholders or creditors, and all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, with a view to prevent the application of its assets in the manner prescribed by this Act, or with a view to the preference of any depositor or creditor over any other, shall be utterly null and void.

SECTION 115. Attachment of property of insolvent bank prohibited. No attachment, injunction or execution shall be issued against any insolvent bank or its property before final judgment in any suit, action or proceeding in any court of competent jurisdiction.

LIQUIDATION OF BANKS

SECTION 116. Administration by treasurer; court supervision; appeals. Whenever the treasurer shall take and hold possession of the property and/or business of a bank to liquidate its affairs, such liquidation shall be effected as in this Act provided. Jurisdic-

tion is hereby conferred upon the circuit judge presiding at chambers in the circuit court of the circuit in which the principal office of any bank is located in this territory, upon petition filed by the treasurer or by any other party interested, or upon any request of the treasurer for instructions, to hear and determine any matter which by this Act is stated to be subject to judicial review or approval in connection with the liquidation of any bank. From every order made by any circuit judge under this Section an appeal shall lie to the supreme court in like manner as an appeal lies from an order or decision of a circuit judge at chambers. Such appeal shall not stay any order of the circuit judge unless the supreme court shall so order.

SECTION 117. "Depositor" defined; preference prohibited. The word "depositor", as used in Sections 119 and 120 of this Act, shall be construed to include also purchasers or holders in due course of certificates of deposit, cashiers' checks, certified checks, outstanding unpaid drafts drawn or issued by such bank, unsecured letters of credit and unsecured drafts accepted by such bank; provided, the instruments above enumerated are issued pursuant to cash or credit actually received or realized by such bank; provided, further, that no depositor or deposit, expressly including deposits of the United States, the Territory of Hawaii, or any county, city and county or political subdivision thereof, shall have a preference or prior lien on any assets of an insolvent bank under the provisions of this Act over the claims of other depositors or deposits, except that this provision shall not be construed to apply to any claims or demands involving funds held by any such bank where a valid lien or preference to such funds shall lawfully be established; and provided further, that nothing in this Section contained shall restrict the respective rights of savings depositors and commercial depositors in their respective preference liens as provided in Sections 119 and 120 of this act.

SECTION 118. Interest on unsecured deposits; cessation of insolvency. Interest on unsecured interest-bearing deposits, either commercial or savings, shall cease on or as of the date it shall be determined that the bank became insolvent.

SECTION 119. Depositors; priority of liens; commercial depositors. In the event of the insolvency or voluntary or involuntary liquidation of any bank under the provisions of this act, the depositors of such bank shall have a first, prior and exclusive lien upon all the unpledged assets of such bank and, in the distribution of such assets or the proceeds thereof, the same shall be applied to satisfy the amount due such depositors after the payment of expenses of liquidation of such bank; and, where such bank shall have had a commercial and a savings department the unpledged

assets of its commercial department shall be held and liquidated for the benefit of the depositors of such commercial department, and such depositors shall have a first, prior and exclusive lien upon all the unpledged assets of such commercial department and such assets shall not be liquidated nor applied for the benefit of the depositors or creditors of any other department of such bank; provided, that after the depositors of such commercial department shall have been paid in full, any remaining assets of such commercial department may then be used or applied for the benefit of, and the payment to, depositors of the savings department of such bank and the same shall be applied to the amount due such savings depositors prior to being used or applied to the payment of other unsecured creditors.

SECTION 120. Savings depositors; priority of liens. In the event of the insolvency or voluntary or involuntary liquidation of any savings bank or of any bank maintaining a savings department, the depositors of such savings bank or savings department shall have a first, prior and exclusive lien on all the unpledged assets of such savings bank or savings department, and in the distribution of such assets or the proceeds thereof the same shall be first applied to satisfy the amount due such depositors after the payment of expenses of liquidation of such savings bank or savings department, and the unpledged assets of such savings bank or savings department shall be held and liquidated and first applied for the benefit of depositors of such savings bank or savings department; provided, that after the savings depositors shall have been paid in full, and if the bank shall have had a commercial department, any remaining assets of its savings department may then be used or applied for the benefit of, and the payment to, depositors of the commercial department, and in such case shall be applied to the amount due the commercial depositors prior to being used or applied to the payment of other unsecured creditors.

SECTION 121. Deputies; bond. The treasurer may appoint and employ in the work of liquidation of any bank one or more deputies or agents, each of whom shall be required to execute a bond to the treasurer in the amount of \$10,000. if the total assets under the control of such deputy shall be less than \$25,000., or if said assets shall exceed \$25,000. his bond shall be in such greater amount as shall on application be approved by the court, the bond in any case to be satisfactory to the treasurer as to its form and sufficiency, and to be conditioned that he will faithfully perform his duties in the premises. The cost of said bond shall be paid out of the funds of the bank in liquidation.

SECTION 122. Expenses of liquidation; payment. The expenses incurred by the treasurer in the liquidation of a bank, shall

include the expenses of deputies or assistants, clerks and examiners employed in such liquidation, together with reasonable attorney fees for counsel employed by him in the course of such liquidation, and also stationery, rent, postage, telephone, telegraph and other office and traveling expense. Such compensation of counsel, of deputies or assistants, clerks and examiners in the liquidation of any bank, and all expense of supervision and liquidation, shall be fixed by the treasurer subject to the approval of the court. The expenses of such liquidation shall be paid out of the property of such bank, and shall be a valid charge against the property in the hands of the treasurer and shall be paid first in the order of priority.

SECTION 123. Notice given of taking possession of banks; liens subsequent to insolvency prohibited. Upon taking possession of the property and business of any such bank, the treasurer shall forthwith give notice thereof by publication once in each of three successive weeks in a newspaper of general circulation published in the circuit, and shall further give written notice to all known parties holding or in possession of any assets of such bank. No bank, trust company, or other corporation, association, or individual, knowing that the treasurer of the territory has taken possession of such bank, shall have a lien or charge for any payment advanced or any clearance thereafter made, or liability thereafter incurred, against any of the assets of the bank of whose property and business the treasurer of the territory shall have taken possession.

SECTION 124. Inventory of assets. Upon taking possession of the property and assets of such bank, the treasurer shall make an inventory of the assets of such bank, in duplicate, one to be filed in the office of the treasurer, and one in the office of the clerk of the circuit court of the circuit in which the principal office of such bank was located.

SECTION 125. Claims; filing; notice to creditors. The treasurer shall cause notice to creditors to be given by advertisement, in such newspaper as he may direct, once in each of three consecutive months, calling on all persons who may have claims against such bank to present the same, with legal proof thereof, to the treasurer at his office in Honolulu within four months from the date of first publication of said notice. He shall mail a similar notice to all parties whose names appear as creditors upon the books of the bank. If the treasurer doubts the justice or validity of any claim, he may reject the same and serve notice of such rejection upon the claimant, either by mail or personally, and an affidavit of the service of such notice, which shall be prima facie evidence thereof, shall be filed in his office. An action upon a

claim so rejected must be brought within three months after such service, and notice thereof must be served upon the treasurer of the territory. Any claim of preference or prior lien on any of the assets of such bank, over the claims of other depositors or deposit, must be filed with the treasurer before the expiration of the time fixed in the notice to creditors, and if not so filed the preference claimed shall not be approved or allowed. All claims presented before the expiration of said four months period and allowed shall be entitled to payment in full (or pro rata to the extent that the available assets will permit) before any payment shall be made on any claims subsequently presented. Claims subsequently presented and allowed may share in the distribution of the remaining assets, if any, equitably applicable thereto. For the purpose of facilitating the final closing of the liquidation of such bank, the court may by order bar all claims not presented before the expiration of said period of four months from the first publication of said notice to creditors. Upon the expiration of the time limited in said notice for the presentation of claims, the treasurer shall make in duplicate a full and complete list of the claims presented and allowed, and of all that have been rejected by him, of which list one copy shall be filed in his office and the other in the office of the clerk of said court. The treasurer shall, in like manner, make and file supplemental lists, showing all claims presented subsequent to the filing of the first list, such supplemental lists to be filed at least fifteen days before the declaration of any dividend; and in any event such supplemental lists shall be filed at intervals of not exceeding six months. Such inventory and list of claims shall be open at all reasonable times for inspection.

SECTION 126. Objection to claims; hearing. Objection to any claim not rejected by the treasurer may be made by any party interested by filing a copy of such objection with the treasurer who shall present the same to the said court and give written notice thereof to the party filing the same, said notice setting forth the time and place when the same will be heard by the court. The court shall hear the issues involved on said claim, or refer the same to a referee for report, or, upon demand of either the treasurer or the party filing the objections, may direct that the issues be tried before a jury.

SECTION 127. Petitions relating to insolvency; appeal from ruling. Any petition relating to any insolvent bank, other than a petition by the treasurer, must be filed with the treasurer of the territory. The treasurer shall, within a reasonable time thereafter, grant or refuse such petition and notify the petitioner in writing. Any such petitioner who is dissatisfied with the decision, may, within thirty days thereafter, present said petition, together with

the decision of the treasurer, to the court. The court shall fix a date for the hearing of such petition, giving reasonable notice thereof to the petitioner and to the treasurer, and shall determine said matter upon the evidence produced by all concerned, and the burden of proof in such proceedings shall be upon the petitioner.

SECTION 128. Collection of assets; compounding of debts; sale of assets. Upon taking possession of the property and business of such bank, the treasurer is authorized to collect money due to such bank, and do such other acts as are necessary to secure possession of and preserve its assets and business. He shall collect the debts due and claims belonging to it and, upon the order of the court, may sell or compound any bad or doubtful debts, and, on like order, may sell all or any of the real estate and personal property of such bank, on such terms as the court shall direct, and the treasurer, in keeping with the terms of sale or compromise directed by the court, shall execute and deliver to the purchaser of such property such deeds or instruments as shall be necessary to evidence the passing of the title.

SECTION 129. Sale of assets to new bank; assumption of deposit liabilities. Whenever the assets of any insolvent bank are sold under the provisions of this Act to any new bank organized in the same locality, and such new bank assumes any or all of the deposit liabilities of such insolvent bank, under such terms and conditions as may be prescribed by the treasurer of the territory with the approval of the court, such new bank may be organized with a capital stock equal to the capital stock of the insolvent bank without regard to the capital requirements otherwise provided or required by this Act.

SECTION 130. Deposit of moneys collected; paying out money; method. The moneys collected by the treasurer shall, from time to time, be deposited in one or more banks under his supervision, subject to his order, as herein provided. No moneys shall be paid out of the assets of any insolvent bank, in the hands of the treasurer for liquidation, unless on an itemized claim duly verified by the oath of the claimant or petitioner and in a form prescribed by the treasurer.

SECTION 131. Dividends to creditors. At any time after the expiration of said four months period advertised for the presentation of claims, the treasurer may, out of the funds remaining in his hands after the payment of expenses, declare and pay one or more dividends, and after the expiration of one year from the first publication of said notice to creditors he may declare and pay a final dividend, such dividends to be paid to such persons and in such amounts and upon such notice as may be directed by the court.

SECTION 132. Safety deposit boxes; disposition made of contents. Should any bank, at the time the treasurer takes possession of its property and business, have in its possession, as bailee, for safe-keeping and storage, any jewelry, plate, money, specie, bullion, stocks, bonds, securities, valuable papers or other valuable personal property, or should it have rented any vaults, safes or safe deposit boxes or any portion thereof for the storage of property of any kind, the treasurer may at any time thereafter cause to be mailed to the person claiming or appearing upon its books to be the owner of such property, or the person in whose name the safe, vault or box stands, a notice in writing in a securely closed postpaid, registered letter, directed to such person at his post office address as recorded upon its books, notifying such person to remove, within a period fixed by said notice and not less than ninety days from the date thereof, all such personal property. Upon the date fixed by said notice, the contract, if any, between such person and the bank for the storage of said property or for the use of said safe, vault or box shall cease and determine, and the amount of the unearned rent or charges, if any, paid by such person shall become a debt of the bank to said person. On or after such date the treasurer may cause any safe, vault or box to be opened in his presence, or in the presence of an examiner or deputy bank examiner, and of a witness who is not an officer of the bank or an employee of the bank, and a list and description of the property therein shall be made by the persons opening such safe, vault or box and shall be attached to such property. The treasurer shall keep such property in one of the general safes or boxes of the bank, or other depository, until it is delivered to the person whose name it bears or to whom it may belong or until it is disposed of as herein provided. If any such bonds, notes or articles of value be not removed within the time so fixed by the treasurer, he shall retain the same for a period of one year thereafter unless removed by the owner prior thereto, and thereafter he may sell the same under the direction and subject to the approval of the court, and in case of such sale shall hold the proceeds of such sale for the benefit of the owner of such bonds, securities or articles of value. Two years after the final order closing the liquidation of the bank any such unsold property or funds which have not been claimed may be disposed of in the same manner as in this Act prescribed for unclaimed dividends and deposits. If any papers or other articles have no apparent value and cannot be sold, and are not removed within said period of two years, the treasurer may store such papers and articles with the records of the insolvent bank, or may destroy the same in the same manner as in this Act prescribed for the records of any insolvent bank. Any such bonds, securities, papers or other articles from a liquidation which has

been closed and which are in the hands of the treasurer of the territory July 1, 1931, may be disposed of in like manner.

SECTION 133. Claims paid; winding up affairs of bank; liquidating agent; selection; bond; duties. Whenever the treasurer shall have paid to each depositor and creditor of such bank, whose claim or claims as such depositor or creditor shall have been duly proved and allowed, the full amount of such claims, and shall have made proper provision for unclaimed or unpaid deposits or dividends, and shall have paid all the expenses of the liquidation, he shall call a meeting of the shareholders of such bank, by giving notice thereof once in each of four successive weeks by publication in one or more newspapers published in the circuit wherein the office of such bank was located. At such meeting the shareholders shall select an agent or agents by ballot to administer the remaining assets and wind up the affairs of such bank, a majority of the stock present and voting in person or by proxy being necessary for a choice. Such agent or agents shall file with the treasurer a bond to the Territory of Hawaii in an amount not less than twenty per centum of the book value of the assets to be surrendered to said agent or agents; provided, that in no case shall said bond be less than \$1,000.; and provided, further, that said bond shall be executed by said agent as principal and by a surety company authorized to do business in this territory as surety, and shall be conditioned for the faithful performance of all the duties of his or their trust. When such agent or agents have been selected and have filed the bond herein required, the treasurer shall transfer to said agent or agents all the undivided or uncollected or other assets of such bank, then remaining in his hands, and upon such transfer and delivery the treasurer shall be discharged from all further liability to such bank and its creditors. It shall be the duty of such agent or agents to complete the liquidation of the affairs of such bank, and, after paying the expenses thereof, to distribute the proceeds among the shareholders in proportion to the several holdings of stock. If the shareholders shall fail to meet on the date advertised for such shareholders' meeting or within fifteen days thereafter or shall fail to appoint an agent or agents, or if such agent or agents shall fail to qualify as herein required within thirty days after the date of his or their selection, the treasurer may appoint an agent, which agent shall file a bond and liquidate the affairs of such bank, in the same manner as though such agent had been selected by the shareholders, and, upon the transfer and delivery to such agent or agents of all the remaining assets in his hands, the treasurer shall be discharged from all further liability to such bank and its creditors.

SECTION 134. Unclaimed deposits and credits; distribution;

escheat. After five years following the date of the final order closing the liquidation of a bank, any unclaimed deposits or balances remaining to the credit of dividend accounts representing the aggregate of undelivered and unpaid dividend checks in the possession of the treasurer, shall escheat to the territory and become a part of the territory general fund.

SECTION 135. Records; destruction; time limit. Where any files, records, documents, books of account or other papers have been taken over and are in the possession of the treasurer in connection with the liquidation of any bank, the treasurer may, in his discretion, at any time after the expiration of two years from the declaration of the final dividend, or from the date when such liquidation has by order of the court been declared closed, destroy any of the files, records, documents, books of account or other papers which may appear to the treasurer to be obsolete or unnecessary for future reference as part of the liquidation and files of his office.

DOUBLE LIABILITY OF SHAREHOLDERS

SECTION 136. Individual liability of shareholders; liability of shareholders who have transferred their shares. The shareholders of every bank shall be held individually and proportionately responsible for all contracts, debts and engagements of such bank, each in double the amount of the par value of the stock held by him. The shareholders in any bank who shall have transferred their shares or registered the transfer within sixty days next before the date of the failure of such bank to meet its obligations, or with knowledge of such impending failure, shall be liable to the same extent as if they had made no such transfer, to the extent that the subsequent transferee fails to meet such liability; but this provision shall not be construed to affect in any way any recourse which such shareholders might otherwise have against those in whose names such shares are registered at the time of such failure. No action, suit or proceeding shall be maintained by the holder of any stock standing in the name of such shareholder on the books of any bank at the time it closes which will relieve such person of his liability as a shareholder.

SECTION 137. Executors, trustees, fiduciaries and pledgees not personally liable. No person holding stock as executor, administrator, guardian or trustee, or holding it as collateral security or in pledge, shall be personally subject to any liability as a shareholder of the bank; but the person owning and pledging the stock shall be considered as holding the same, and shall be liable as a shareholder, and the estate and funds in the hands of the executor, administrator or guardian or trustee shall be liable in like manner and to

the same extent as the testator or intestate, or the ward or person interested in the trust fund would have been liable if he or she were living and competent to act and held the stock in his or her name.

SECTION 138. Liability of shareholders of holding companies or corporations owning bank stock. Any shareholder of any holding company or of any corporation which holds or owns shares of stock in any bank shall be personally liable for the debts of said bank in an amount determined as follows: The liability of said holding company or said corporation as a holder or owner of the bank stock shall be ascertained and the holder or owner of the stock in the said holding company or in the said corporation holding or owning the bank stock shall be liable for the amount of the liability of said holding company or said corporation in proportion to the amount of the stock or shares or interest owned by such holder or owner bears to the whole of the subscribed stock of said holding company or said corporation. But such personal liability shall be discharged to the extent that such corporation pays on its own liability on said bank shares.

[Sic] SECTION 139. Assessments; levy; collection; notice; interest; lien of assessment. If, at any time after any bank has been taken possession of by the treasurer, he shall discover that the assets of such bank are insufficient to pay its deposit liabilities, it shall be the duty of the treasurer to ascertain the amount of such deficiency and he shall levy an assessment or assessments upon the shareholders of said bank for the amount of such deficiency, not exceeding their liabilities, as provided by Sections 136, 137 and 138 of this Act, and, if any shareholder fails or neglects to pay any such assessments within thirty days from the date such levy is made, the treasurer shall institute proceedings for the collection of the liability of such shareholder, and all transfers or encumbrances of property by a shareholder of any bank, after such bank has closed or become insolvent and before the payment of the shareholder's liability provided by Sections 136, 137 and 138 of this Act, shall be absolutely void, as against said liability. The amount of such assessment shall bear interest at the rate of seven per centum per annum from the date it is collectible. The action or suit to collect such liability may be brought at any time within three years from the date such assessment is collectible.

SECTION 140. Action to collect balances due on stock. When any bank in the Territory of Hawaii subject to this Act becomes insolvent and is taken in charge by the treasurer of the territory for liquidation, the said treasurer shall have authority to maintain any suit or action against any shareholder, whose stock has not been fully paid, for the collection of the same or any part thereof

which then remains unpaid, for the benefit of the bank, its shareholders and creditors. Such suit or action may be prosecuted against one or more shareholders, singly or collectively, as he may determine, and it shall not be necessary to levy any assessment upon such stock prior to instituting such suit or action, but the fact that the same is unpaid beyond the time when the law requires payment thereof shall be sufficient ground for the commencement of such suit or action.

MISCELLANEOUS PROVISIONS

SECTION 141. Deputies; power of treasurer to appoint and remove. The treasurer may, under his hand and seal, appoint one or more deputy bank examiners, as agent or agents, to assist him in any of the duties of his office under this act. Such appointments shall remain effective during his pleasure. Each deputy bank examiner shall execute to the Territory of Hawaii a bond in such amount, not less than the sum of \$10,000.00, as the treasurer may require; each bond to be executed by said deputy bank examiner as principal, together with a surety company authorized to do business in this territory as surety, as shall be approved by the treasurer, and shall be conditioned that he will faithfully and impartially discharge the duties of the office to which he has been appointed, and conditioned further for the payment of any and all moneys, damages and costs that may be adjudged against him under the provisions of said bond or under the provisions of this act; provided, that the bond or bonds mentioned above may be in the form of blanket or schedule bonds. The cost of said bonds shall be paid out of the territory treasury department (except where they may be payable out of the funds of any bank in liquidation). Before entering upon the duties of the office to which he has been appointed each deputy bank examiner shall subscribe to an oath that he will faithfully and impartially discharge the duties of his office. The oaths of office and bonds provided in this Section shall be filed with the treasurer of the territory.

SECTION 142. Saving clause; prior actions and prosecutions. No provision in this Act, with reference to the amendment or repeal of any of the provisions of Chapter 191 of the Revised Laws of Hawaii, 1925, or of any criminal statute of the Territory of Hawaii or other law of the territory, shall affect any act or acts committed prior to July 1, 1931, or any omission or omissions which may, was or shall have been in violation of any such banking laws or of any criminal statutes of the Territory of Hawaii; and all banking laws and criminal statutes and other laws of this territory which were or shall have been in effect before July 1, 1931, shall be and remain in force for the purpose of authorizing the arrest, indictment, prosecution, trial, conviction and/or pun-

ishment of all persons who shall have violated any of the provisions of Chapter 191 of the Revised Laws of Hawaii, 1925, or any criminal statute or other law of the territory or part of any criminal statute which was or shall have been in effect before July 1, 1931, or which by provisions of this Act is amended or repealed, and any action, suit, prosecution or proceeding pending in any of the courts of the Territory of Hawaii July 1, 1931, shall proceed to final judgment or decree and be enforced by execution or otherwise or by the punishment of any person found guilty without being in any manner affected by this Act.

SECTION 143. Constitutionality of Act; provisions separate and several. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 144. Power of treasurer to waive or suspend provisions of this Act; exceptions. The treasurer of the territory shall have power and authority to waive or suspend for limited periods and from time to time, but not beyond July 1, 1933, any of the provisions, terms, restrictions or limitations of this Act, except those applying to (a) the charter to be issued to, and the incorporation of banks, (b) branch banks, (c) shareholders' liability of owners and holders of bank shares.

SECTION 145. Title and name of Act. This Act may be cited in or referred to in all legislative enactments and in all suits and proceedings and for all purposes as "Hawaii Bank Act of 1931."

SECTION 146. Repealing clause. Chapter 191 of the Revised Laws of Hawaii, 1925, and all amendments thereto, and all laws and parts of laws inconsistent or in conflict herewith are hereby repealed; but nothing herein shall be construed to effect an implied repeal of any of the provisions of Chapters 98 and 100 of the Revised Laws of Hawaii, 1925, as amended and extended, unless the context clearly requires such repeal, it being the intent that this Act shall be construed and administered in conjunction with said Chapters 98 and 100 of the Revised Laws of Hawaii, 1925, as amended and extended, in so far as it may be practicable.

SECTION 147. This Act shall take effect and be in force upon and after July 1, 1931, provided that where it is in any respect expressly provided to operate from the time of its approval it shall so operate.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 178

[S. B. No. 173]

AN ACT TO AMEND SECTION 166 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 166 OF THE SESSION LAWS OF 1929, RELATING TO COSTS AND FEES FOR COPYING, COMPARING, CERTIFYING OR OTHERWISE FURNISHING COPIES OF PUBLIC RECORDS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 166 of the Revised Laws of Hawaii 1925, as amended by Act 166 of the Session Laws of 1929, is hereby further amended to read as follows:

"Sec. 166. Copies of public records; costs and fees. Except as otherwise provided for by law, a copy of any public document or record, including any map, plan, diagram or photograph, which is open to the inspection of the public, shall be furnished to any person applying for the same by the public officer having charge or control thereof upon the payment of the following:

"Twenty-five cents for every hundred words or fraction thereof contained in any written document, record, entry or other paper when such copy is made or caused to be made by the public officer having charge or control thereof;

"The cost of making a copy of any map, plan, diagram or photograph, which copy may be made by any method of reproduction;

"For comparing any copy of a written document, record, entry or other paper with the original thereof, when such comparison is required or requested, five cents for every hundred words or fraction thereof;

"Twenty-five cents for the certification to any copy, when such certification is required or requested;

"All such fees shall be paid in by the public officer receiving or collecting the same to the treasurer of the territory or county or city and county by which the said officer is employed as government realizations.

"Provided, however, that no fees shall be charged for the certification of copies of any pleadings, order or other paper or document filed in any court, or process thereon, or any transcript of

testimony, upon the original filing or issuance thereof nor for the certification of records on appeal in any proceeding in any court."

SECTION 2. This Act shall take effect upon its approval.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 179

[S. B. No. 251]

AN ACT FOR THE RELIEF OF INDIGENT PERSONS RELEASED FROM THE KALIHI RECEIVING HOSPITAL AND THE LEPER SETTLEMENT AT KALAUPAPA, MOLOKAI, AND TO REPEAL ACT 42 OF THE SESSION LAWS OF 1923.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Immediately upon the release of any person from the Kalihi Receiving Hospital and the Leper Settlement at Kalau-papa, Molokai, who, in the opinion of the board of leper hospitals and settlement, is indigent, the said board shall give to such person a certificate showing such indigency.

SECTION 2. Upon presentation of said certificate to the auditor of the territory, he shall immediately draw a warrant in favor of the holder thereof in the sum of sixty dollars (\$60.00), and shall further pay by warrant to such holders, the sum of thirty dollars (\$30.00) thereafter for the three months immediately following.

SECTION 3. The said payments shall be made out of such funds as shall be available from time to time for such purpose.

SECTION 4. Act 42 of the Session Laws of 1923 (Revised Laws of Hawaii 1925, Volume 2, page 2112), is hereby repealed.

SECTION 5. This Act shall take effect from and after July 1, 1931.

Approved this 28th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 180

[S. B. No. 16]

AN ACT MAKING AN APPROPRIATION FOR THE PURPOSE OF CONVERTING INTO A PUBLIC PARK THAT PORTION OF THE LANDS ALONG THE WATER FRONT AT HONOLULU, CITY AND COUNTY OF HONOLULU, TERRITORY OF HAWAII, LYING BETWEEN AND BOUNDED BY FORT, ALLEN, BISHOP AND HALEKAUWILA STREETS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of the general revenues of the territory, not otherwise appropriated, the sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary, for the purpose of converting into a public park that portion of the land along the water front at Honolulu, city and county of Honolulu, Territory of Hawaii, lying between and bounded by Fort, Allen, Bishop and Halekauwila Streets. Said appropriation shall be expended by or under the direction of the board of harbor commissioners of the Territory of Hawaii, upon vouchers approved by the chairman of the said board, and shall be expended for any purposes, including removal of existing buildings or other obstructions, leveling or other preparation of the grounds, the planting of trees, shrubs and grass, and the undertaking of other means of beautification of said grounds, as said board may deem necessary or proper in order to place said grounds in a condition suitable for use as a public park.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 181

[S. B. No. 27]

AN ACT TO AMEND CHAPTER 18 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DEPARTMENTAL REGULATIONS.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 182 of the Revised Laws of Hawaii 1925, relating to vacations of public employees, is hereby amended to read as follows:

"Sec. 182. Vacations of public employees. Whenever any employee working under a regular monthly salary in any department of the territorial, county or city and county government shall have been employed continuously for at least one year in the same department, he shall be entitled to and be granted at least three weeks vacation upon full pay for that year and each year thereafter while he remains in the employ of such department. Vacations shall be granted at such time as may be designated by the head of the department, and any employee refusing and/or neglecting to take advantage of any vacation allowance to which he may be entitled, shall forfeit the same, and shall not be entitled to remuneration by reason thereof. Vacation allowance may, however, upon the prior written recommendation of the head of the department, and with the approval of the governor, mayor or chairman of the board of supervisors, as the case may be, be accumulated; provided no accumulated vacation allowance shall exceed a total period of nine weeks."

SECTION 2. Section 182-A of the Revised Laws of Hawaii 1925, as amended, is hereby amended to read as follows:

"Sec. 182-A. Whenever any employee working under a regular monthly salary in any department of the territorial, county or city and county government and is employed continuously without any holiday on the Sabbath or half holiday on Saturday, and shall have been employed continuously for at least one year in the same department, he shall be entitled to at least one month's vacation upon full pay for that year and each year thereafter while he remains in the employ of such department; said vacation to be granted to the employee at such time as shall be designated by the head of the department. Vacation allowance may, however, with the prior written recommendation of the head of the department, and with the approval of the governor, the mayor or the chairman of the board of supervisors, as the case may be, be accumulated, but shall not exceed three months."

SECTION 3. Chapter 18 of the Revised Laws of Hawaii 1925, as amended, is hereby amended by adding thereto a new section following Section 182-A, to be known as Section 182-B and reading as follows:

"Sec. 182-B. Leaves of absence on account of sickness. The head of any territorial or county or city and county department may grant any employee thereof leave of absence with pay for a period not to exceed four weeks per annum on account of sickness; provided, however, that no sick leave shall be extended beyond four weeks per annum excepting with the written approval of the governor, mayor or chairman of the board of supervisors, as the case may be."

SECTION 4. This Act shall take effect from and after the date of approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 182

[S. B. No. 57]

AN ACT TO AMEND SECTION 324 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 139 OF THE SESSION LAWS OF 1927 AND ACT 193 OF THE SESSION LAWS OF 1929, RELATING TO PUBLIC INSTRUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 324 of the Revised Laws of Hawaii 1925, as amended by Act 139 of the Session Laws of 1927 and Act 193 of the Session Laws of 1929, is hereby amended to read as follows:

"Sec. 324. Attendance compulsory; exceptions. The attendance of all children from six to fourteen years of age, at either a public or private school, is obligatory and it shall be incumbent upon all parents, guardians and others having the responsibility and care of children of such ages to send them to some such school; provided that such attendance shall not be compulsory in the following cases:

"First. Where the distance to the nearest schools exceeds four miles and no suitable transportation is provided;

"Second. Where such child shall be physically or mentally unable to attend school (deafness or blindness excepted) of which fact the certificate of a duly licensed physician shall be sufficient evidence;

"Third. When a competent person is employed as tutor in the family wherein such child resides and proper instruction is thereby imparted;

"Fourth. Where any child of not less than the age of thirteen years shall have passed the required examination of both primary and grammar school grades, as such requirements shall from time to time exist, provided he shall be suitably employed;

"Fifth. Where, upon investigation by the juvenile court, when feasible, or by the district magistrate, it has been shown that for any other reason the child may properly remain away from school;

"Sixth. Where any child has attained the age of fourteen years and has not completed the fifth grade, such child shall be dropped; provided, however, that such child shall attend vocation or special opportunity classes in such vocational or opportunity schools as shall be provided by the department of public instruction; and provided, further, that such child may be reinstated to his regular grade by the superintendent of public instruction if, in his opinion, the facts warrant such reinstatement;

"Seventh. If for any reason a child shall become a detriment to the morals or discipline of any school such child may be dropped by the principal with the approval of the supervising principal; provided, however, that an appeal may be taken on behalf of such child to the superintendent of public instruction within ten days from the date of such action;

"Eighth. No child, who is seventeen years of age or over shall be admitted to the ninth grade of a public four-year high school and no child, who is eighteen years of age or over, shall be admitted to the tenth grade of a public senior high school except upon the written permission of the superintendent of public instruction when in his opinion the facts warrant such admission;

"Ninth. Any high school student whose work is below passing in half or more of his subjects shall be placed on probation and, if his work does not improve to the satisfaction of the superintendent of public instruction during the subsequent semester, he shall be dropped; provided, however, that such student may be reinstated by the superintendent of public instruction, if, in his opinion, the facts warrant such reinstatement;

"Tenth. Every parent or guardian having control over any partially or totally blind or deaf person, from six to eighteen years of age, who by reasons of said partial or total blindness or deafness is unable to obtain an education in the public or private schools, shall be required to send them to the territorial school for deaf and blind for a period corresponding to the regular school year, except where such attendance shall be excused by the superintendent of public instruction or by a judge of a circuit court where, in his opinion, the facts warrant such action; provided, that this shall not apply to cases where skilled private instruction is given to such persons for the same length of time each year."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 183

[S. B. No. 75]

AN ACT TO AMEND SECTION 1315 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1315 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended to read as follows:

"Sec. 1315. General property taxes. Except as exempted or otherwise taxed, all real property and all personal property, within each taxation division, shall be subject to a tax each year of such rate per cent, upon the full cash value thereof as shall be fixed and determined for that year in the following manner and generally for the following purposes:

1. County or city and county current and operating expenses;
2. County or city and county permanent improvements;
3. General county or city and county bonds; interest on term and serial bonds, sinking funds for term bonds, and principal of all serial bonds maturing the following year;
4. Territorial bonds issued for county and city and county purposes; interest on term and serial bonds, sinking funds for term bonds, and principal of all serial bonds maturing the following year;

4a. Territorial bonds issued for territorial purposes; interest on term and serial bonds, sinking funds for term bonds, and principal of all serial bonds maturing the following year;

5. Schools; special fund;

6. Schools; general fund;

7. School teachers' salaries;

8. Cost of assessing and collecting taxes;

9. Additional to general rate for purposes specified in specific legislative acts.

"For subdivisions 1, 2 and 3 above, the respective amounts shall be estimated by the respective boards of supervisors of the various counties and the city and county, as soon as practicable after the first day of December in each year, for the twelve months' period commencing on the first day of January of the following calendar year, the respective boards shall approve these estimates by resolution adopted in the manner provided by law relating to resolutions involving the expenditures of public money, and transmit the estimates to the territorial treasurer and the assessor of the taxation division in which such county or city and county is included. In estimating these amounts the respective boards of supervisors shall take into consideration, among other things, outstanding obligations, and expected receipts from other sources; provided, however, that the estimates above mentioned may be amended by resolution adopted in the above manner from time to time prior to their transmittal to the territorial treasurer and said assessors, but not later than April 25. These estimates shall be in such form as the territorial treasurer may from time to time prescribe.

"In subdivision 1 (county or city and county current and operating expenses) shall be included current expense items, not elsewhere specified in this section, including among other items, the operating expenses of all departments of such local government, any portion or all of the expenses of operating and equipping sewer and cesspool pumping systems as operated or extended, road maintenance and repair and other current, operating, or general needs.

"In subdivision 2 (county or city and county permanent improvements) shall be included all items for permanent improvements for the counties or city and county, including, among other items, extensions and replacements to the water and/or sewer systems not otherwise provided for; new road construction of Portland cement concrete, asphalt concrete, asphalt macadam or on a Portland cement concrete base, including cost of new land, of large cuts or fills in the grade, of permanent storm drains, of

new bridges of like or equivalent permanent nature, and reasonable engineering and inspection expenses for the same (except that, in the case of the counties of Hawaii, Maui and Kauai, road work, amounting to reconstruction, of asphalt or oiled macadam may be performed hereunder in addition to concrete road work); new buildings, including additions, equipment and grounds for the same; parks, and other permanent improvements.

"In subdivision 3 (general county or city and county bonds; interest on term and serial bonds, sinking funds for term bonds, and principal of all serial bonds maturing the following year) shall be included necessary amounts of interest on term and serial bonds, sinking funds for term bonds, and the principal of all serial bonds maturing the following year, if any, but not including bonds the interest and sinking fund and principal payments of which are to be paid out of revenue specifically provided for in the law or act under which the bonds are issued.

"In subdivision 4 (territorial bonds issued for county or city and county purposes; interest on term and serial bonds, sinking funds for term bonds and principal of all serial bonds, sinking funds for term bonds and principal of all serial bonds maturing the following year) the territorial treasurer in May shall compute the amounts which are payable to or retainable by the territory for each county or city and county for that calendar year to meet interest charges for term and serial bonds, sinking fund charges for term bonds, and the principal of all serial bonds maturing the following calendar year, for territorial bonds issued for such county or city and county purposes, deducting therefrom any amounts, the payment of which has been otherwise provided for. In making up such estimates, the treasurer shall deduct the several amounts of interest collected during the preceding year, pursuant to Section 1261.

"For subdivision 4a (territorial bonds issued for territorial purposes, interest on term and serial bonds, sinking funds for term bonds, and principal of all serial bonds maturing the following year) the territorial treasurer in May of each year shall compute the necessary amounts for that calendar year to meet interest charges on term and serial bonds, sinking fund charges for term bonds, and the principal of all serial bonds maturing the following year for general territorial bonds issued for territorial purposes not otherwise provided for, which amounts shall be apportioned among the several counties and city and county on the basis of the proportion that the value of real and personal property of each county or city and county bears to the aggregate value of real and personal property in the territory, as assessed for the purposes of this tax, according to calculations made as of May 10th of the

current year, excluding, however, the property which is taxed for the sole benefit of the territory.

"For subdivision 5 (schools; special fund) the amount for each county or the city and county shall be computed in May by the territorial treasurer at an amount which shall equal the aggregate of (a) such proportion of the total appropriation for the special school fund for such county or city and county in force from January 1 to June 30 of the current calendar year as six months bears to the total period covered by such appropriation, and (b) such proportion of the total appropriation for such fund in force from July 1 to December 31 of such year as six months bears to the total period covered by such appropriation; provided, that in making such computation for any calendar year following the end of the period covered by any special school fund appropriation, the territorial treasurer shall deduct from the amount so computed all sums remaining unappropriated and uncontracted for on account of such preceding appropriation by such county or city and county at the end of the period covered by such appropriation. Within thirty days after the end of the period covered by each such appropriation, the respective boards of supervisors shall prepare and transmit to the territorial treasurer statements showing the entire balances unappropriated and uncontracted for as in this paragraph mentioned.

"For subdivision 6 (schools; general fund) the amount required for the general school fund shall be computed in May by the territorial treasurer at an amount which shall equal the aggregate of (a) such proportion of the total appropriation for the general school fund in force from January 1 to June 30 of the current calendar year as six months bears to the total period covered by such appropriation, and (b) such proportion of the total appropriation for such fund in force from July 1 to December 31 of such calendar year as six months bears to the total period covered by such appropriation. The amount so computed shall be apportioned among the several counties and the city and county on the basis of the ratio which the aggregate value of property in each of them (as assessed for the purposes of this tax with calculations made as of May 10 for such year) bears to the aggregate value of all property in the territory (similarly assessed), excluding the property mentioned in the proviso next following.

"Provided, however, that all real property and all personal property within the territory (not specifically taxed or exempted) which is used or operated or in connection with the business of transmitting intelligence by electricity or otherwise, or transporting passengers, mail or freight from one island to another or to vessels at sea or to other lands, shall be subject to a tax each year,

at the rate of the general property tax in the city and county of Honolulu for that year, upon the full cash value thereof for the sole benefit of the territory; and that all taxes, if any, collected in respect of persons or property in the county of Kalawao shall be for the sole benefit of the territory.

"For subdivision 7 (school teachers' salaries) the territorial treasurer shall compute in May the amount necessary for that year for the salary schedule as defined and provided for in Chapter 28. From this amount he shall deduct (a) the total amount of school taxes (provided for in Section 1303) collected during the preceding year, and also deduct (b) all sums remaining unexpended and uncontracted for at the end of the last preceding calendar year on account of said salary schedule for the last preceding calendar year. The balance remaining shall be apportioned between the several counties and city and county on the basis that the value of the real and personal property of each county or city and county bears to the aggregate value of real and personal property in the territory, all as assessed for the purposes of this tax with calculations made as of May 10 of the current year excluding, however, the property mentioned in the proviso of this section.

"For subdivision 8 (cost of assessing and collecting taxes) the territorial treasurer shall estimate the sums required to defray the expense of assessing and collecting taxes by the territory in the several taxation divisions during the year, as follows: (a) items not specifically appropriated for any particularly named taxation division shall be apportioned between the several taxation divisions on the basis as outlined in subdivision 7; (b) items appropriated for a particularly named taxation division shall be apportioned to such particularly named division.

"The territorial treasurer shall notify the assessors of the several taxation divisions of the amounts required to be collected by each of them in their respective districts under subdivisions 1, 2, 3, 4, 4a, 5, 6, 7, 8 and 9.

"Each assessor, with the approval of the territorial treasurer, for his own taxation division, shall thereupon estimate the rate per centum at which the property in such taxation division subject to be taxed under this section shall be taxed in order to yield during that year the total amount required under subdivisions 1 to 9, inclusive, of this section. In estimating such rate the aggregate value of property as assessed for the purposes of this tax for the current year with calculations made as of May 10 of assessed values of the current year shall be taken as a basis. In all cases where appeals are unsettled the values used shall be the lowest claimed by the taxpayer in each case.

"In estimating said tax rate there shall also be considered any deficiency in the payments made by the territorial treasurer to the treasurer of any county or the city and county for the last preceding taxation year on account of the requirements of said county or the city and county as set forth in the tax rate for the last preceding year, caused by reason of the non-payments of taxes for the last preceding taxation year only and an increase shall be accordingly made in the said tax rate for the current year for said subdivisions 1 and 2 for the county or the city and county affected thereby. In this behalf the joint statement of such deficiency which shall be made as provided by Section 1380 by the territorial auditor and the territorial treasurer to the treasurer of each county or city and county in January of the current year as of December 31, of the last preceding year, shall govern.

"For the several counties the rate required to yield the sum specified under subdivision 1 shall not exceed eight-tenths of one per cent and the rate required to yield the total of the sums specified under subdivisions 1 and 2 shall not exceed one per cent. For the city and county of Honolulu the rate required to yield the sum specified under subdivision 1 shall not exceed five-eighths of the total rate for subdivisions 1 and 2, and the rate required to yield the total of the sum specified under subdivisions 1 and 2 shall not exceed one and one-half per cent of the value of the property subject to taxation under this section. In the city and county of Honolulu neither the rate nor the sums required for subdivisions 1 and 2, taken separately, shall be increased more than ten per cent in any one year over the rate or the sums of the last preceding year. If any of the several boards of supervisors shall not transmit to the assessor and the territorial treasurer by April 25th in any year its estimate of the amounts required for such year under subdivisions 1, 2 and 3, the territorial treasurer shall fix the respective amounts in dollars for subdivisions 1 and 2 at a figure ten per cent less than that for the preceding year, adding thereto the amount necessary or required, in his judgment, for subdivision 3.

"For subdivision 9 (additional to general rate for purposes specified in specific legislative acts) to the general rate, as above computed, the assessor, with the approval of the territorial treasurer, shall add such rate or rates specified in, or required by, any special act or acts of the legislature relating to the respective counties or the city and county.

"The sum of the rates finally estimated or determined for the purposes specified in said subdivisions 1 to 8 inclusive, above, plus any special rate or rates necessitated as aforesaid in subdivision 9 shall be the rate at which such property shall be taxed for that

year under this section in the taxation division in which such county or city and county is included; and each tax assessor in and for his respective taxation division, with the approval of the territorial treasurer, shall publish the rate for his respective county or city and county segregating and showing the part of the rate required for the purposes of each of subdivisions 1 to 9 and the rate referred to in Section 1316, and shall print or stamp a digest of the same information on all receipts for taxes under this section; provided, however, that each tax assessor, instead of so printing or stamping, may, with the approval of the treasurer, have such digest printed or stamped on separate sheets of paper; and in such case shall furnish each taxpayer with such digest so separately printed or stamped at the time of delivery to the taxpayer of his receipt or receipts for taxes payable under this section. The amounts computed by the treasurer to be required for interest under subdivisions 4 and 4a of this section shall, immediately upon receipt thereof, be credited to the general fund of the territory, and said amounts are hereby appropriated from the general fund to the payment of interest as computed under those subdivisions."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 184

[S. B. No. 79]

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO ACQUIRE CERTAIN LANDS IN THE DISTRICT OF WAIALUA IN THE CITY AND COUNTY OF HONOLULU FOR A PARK SITE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the city and county of Honolulu is hereby authorized and empowered to expend a sum not exceeding thirty-six thousand dollars (\$36,000.00), as soon as such funds are available, for the purchase of land for a park site in the district of Waialua, city and county of Honolulu, with power in the said board of supervisors to enter into agreements with the land owners to purchase the same on a five-year term basis with interest at the rate of not more than five per cent (5%) per annum on the unpaid balance of the purchase price.

SECTION 2. The restrictions imposed by Chapter 107 of the Revised Laws of Hawaii 1925, as amended, upon the expenditure of public moneys shall not be operative to restrict the purchase of said land in the manner and form provided for in this Act.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 185

[S. B. No. 98]

AN ACT TO AUTHORIZE AN ADDITIONAL ISSUE OF BONDS TO PROVIDE FOR ADDITIONS TO AND IMPROVEMENTS OF THE WATER SYSTEM OF THE DISTRICT OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. In addition to the bonds authorized to be issued under Section 2 of Act 150 of the Session Laws of 1925, as amended by Act 40, Session Laws of 1927, and Act 178 of the Session Laws of 1929, the treasurer of the city and county of Honolulu is hereby authorized and empowered to and shall, when so directed by the board of water supply of the city and county of Honolulu, issue bonds of the city and county of Honolulu, with interest coupons attached thereto, to an amount not to exceed seven hundred thousand dollars (\$700,000.00) of which not more than three hundred and fifty thousand dollars (\$350,000.00) shall be issued before July 1, 1932, the proceeds of which additional bonds shall be expended by said board of water supply for the following purposes in the following preferred order, viz: (1) the reconstruction of Reservoir No. 4 in Nuuanu Valley, two hundred and fifty thousand dollars (\$250,000.00), (2) the construction of a water system for Pacific Heights, one hundred thousand dollars (\$100,000.00), and (3) the construction of a five million gallon daily filtration plant in Nuuanu Valley, three hundred and fifty thousand dollars (\$350,000.00), and in case the amount specified in any item in this section shall not be wholly required to complete the work on such item, the unrequired balance may, after the completion of said item, be expended for the work specified in any of the other items, and any unrequired balance remaining after the completion of all the items in this section may be ex-

pended for other necessary improvements in water projects, in such manner as the said board of water supply shall determine, as provided in Section 9 of Act 96 of the Session Laws of 1929; it being expressly provided that the term "proceeds" as hereinbefore used shall include all premiums received on account of the sale of said bonds, any provisions of law to the contrary notwithstanding. The principal and interest of said bonds shall be payable in gold coin of the United States of America, of the present standard of weight and fineness, or its equivalent, in the manner and upon the terms in this Act provided; and, in addition to the provisions hereof, the issuance of said bonds shall be governed by the provisions of the Act of Congress approved April 30, 1900, entitled "An Act to provide a government for the Territory of Hawaii", and any amendments thereto in effect at the time said bonds are issued. No bonds shall be issued until after the issuance thereof shall have been first approved by the President of the United States, and such approval shall be conclusive proof that all requirements of law have been duly complied with, and that said bonds are, in all respects, valid and incontestable.

SECTION 2. The bonds issued under the authority of this Act shall be exempt from any and all taxes whatsoever; and the payment of the principal and interest thereof shall constitute a charge upon the consolidated revenues of the city and county of Honolulu.

SECTION 3. Said bonds shall bear interest payable semi-annually at a rate not more than five per cent per annum, and shall be payable or redeemable and payable at such time or times from the date of issue thereof as will comply with the provisions of said Act of Congress and any amendments thereof in effect at the date of issue of said bonds; provided, that the said bonds may be of a type known in commercial usage as serial bonds.

SECTION 4. The treasurer of the city and county of Honolulu, with the approval of said board of water supply, may determine the denominations and form of said bonds and coupons thereof, the place at which the principal and interest thereof shall be payable, and the method of their redemption. The said treasurer, when so directed by said board of water supply, shall make such arrangements as may be necessary or proper for the sale of, and shall sell, the whole or any part of said bonds herein authorized. Such arrangements shall provide for the sale of said bonds by the city and county itself, upon a public advertisement for tenders thereof for at least ten days in a newspaper of general circulation published in Honolulu, but no bond shall be sold at less than two per cent below its face value; provided, that the treasurer, with the approval of the said board, may accept any bid without public

advertisement for tenders provided such bids shall be even with or above the figure of the last sale of any of the bonds issued hereunder made in pursuance of public advertisement for tenders. The proceeds from said sales shall be kept by the treasurer of the city and county in a separate fund to be used only for the purposes for which said bonds were sold.

SECTION 5. All bonds issued under the provisions of this Act shall be lithographed or steel-engraved, and shall be signed by the treasurer and mayor of the city and county of Honolulu and sealed with the seal of said city and county. The interest coupons shall bear the lithographed or engraved facsimile of the signature of said treasurer.

SECTION 6. Payment of said bonds and the interest thereon shall be made in the manner provided in Section 13 of Act 96 of the Session Laws of 1929, in contemplation whereof provision shall be made by the board of water supply in accordance with Section 14 of said Act.

SECTION 7. In case of any default in the payment of the principal of any of said bonds or of any interest thereon, the collection of the same may be enforced in the manner provided by Sections 20 to 26, inclusive, on pages 1952 and 1953 of Volume II Revised Laws of Hawaii 1925.

SECTION 8. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 186

[S. B. No. 141]

AN ACT TO AMEND SECTIONS 1102 AND 1103 AND SECTION 1104,
AS AMENDED, OF THE REVISED LAWS OF HAWAII 1925, RE-
LATING TO NURSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1102 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 1102. Board of registration, appointment, tenure. The governor shall appoint a board to consist of five members for

the registration of nurses, four of whom shall be nurses of at least five years' experience and holding diplomas from different training schools for nurses giving at least a two years' course in the theory and practice of nursing in a hospital and one of whom shall be a physician on the consulting staff of a hospital maintaining a training school for nurses.

"Commencing from July 1, 1917, one member shall be appointed to hold office for one year, one for two years, one for three years, one for four years and one for five years. Upon the expiration of the respective terms of said members, their respective successors shall be appointed for a term of five years. Upon a vacancy occurring in said board, a member shall be appointed to fill such vacancy for the remainder of the unexpired term."

SECTION 2. Section 1103 of said Revised Laws is hereby amended to read as follows:

"Sec. 1103. Organization, meetings. The members of the board shall meet annually on the second Tuesday of July in each year and shall elect a chairman and a secretary who shall hold their respective offices for the term of one year. The board shall hold four regular meetings in each year, one on the second Tuesday of January, one on the second Tuesday of April, one on the second Tuesday of July and one on the second Tuesday of October, and it may hold such additional meetings at such times as it may determine."

SECTION 3. Section 1104 of said Revised Laws, as amended, is hereby further amended to read as follows:

"Sec. 1104. Registration, revocation and suspension of certificates. Application for registration shall be made upon blanks to be furnished by the board and shall be signed and sworn to by the applicant. Each applicant for registration who shall furnish satisfactory proof that he or she is at least twenty years of age, is in good physical condition, is free from any contagious or communicable disease and is of good moral character shall, upon payment of a fee of five dollars (\$5.00), be examined by the board. Upon such examination and upon being found qualified such applicant shall be registered with the right to use the title 'registered nurse', and shall receive a certificate thereof from the board, signed by the chairman and secretary. The board shall have power to waive the examination of any applicant, otherwise qualified, upon satisfactory proof to it that the applicant has been graduated from a training school for nurses of recognized standing. Any person who fails to pass an examination shall be entitled

to be re-examined at the next regular examination, without the payment of an additional fee.

"The board after hearing may, by a vote of a majority of its members, revoke any certificate issued by it and cancel the registration of any nurse or suspend such certificate for any of the following causes:

- "1. Wilfully betraying a professional secret;
- "2. Conviction of any offense involving moral turpitude;
- "3. Habitual intemperance;
- "4. Habitual use of habit forming drugs, such as opium or any of its derivatives, morphine, heroin or cocaine;
- "5. Gross carelessness and manifest incapacity;
- "6. When afflicted with a contagious or communicable disease.

"In case any license is revoked or suspended for any of the causes named, the holder thereof shall be immediately notified in writing by the board of such revocation or suspension.

"Every registered nurse shall, between July 1st and September 1st of each year, renew his or her certificate by registering with the board and by paying a renewal fee of one dollar (\$1.00). Every certificate that is not so renewed shall expire on the 1st day of September, and shall not be renewed except upon the payment of the lapsed fee.

"All expenses of the board shall be paid from the fees received by the board under the provisions of this chapter, and no salary or other expenses shall be paid out of the treasury of the territory and all moneys received by the board shall be held by the treasurer as a special fund for meeting the expenses of the board."

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 187

[S. B. No. 150]

AN ACT FOR THE RELIEF OF SAMUEL P. WOODS AND JULIAN R. YATES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby empowered, authorized and directed to pay on warrants issued by the auditor of the Territory of Hawaii the sum of nine hundred dollars (\$900.00) to Samuel P. Woods and seven hundred dollars (\$700.00) to Julian R. Yates for services rendered by them as deputy tax assessors for the districts of North Kohala and South Kona, respectively, in the county of Hawaii, for the months December, 1930, and January, February and March, 1931.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 188

[S. B. No. 171]

AN ACT TO AMEND ACT 57 OF THE SESSION LAWS OF 1929, RELATING TO TAX APPRAISALS AND THE TAX BOARD OF THE TERRITORY OF HAWAII, BY EXTENDING SAID BOARD'S TERM OF OFFICE AND APPROPRIATING FIFTY THOUSAND DOLLARS (\$50,000.00) FOR THE USE THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 57 of the Session Laws of 1929 is hereby amended by adding in line 4 of paragraph 1, following the word "taxation", the following words: "and to equalize the values of all classes of real property subject to taxation"; and by deleting in the fourth line of paragraph 2 the following words: "as of January 1, 1930"; and inserting in lieu thereof the following words: "as of such date as the board may deem proper."

SECTION 2. Sections 1, 2 and 4 of Act 57 of the Session Laws of 1929 are hereby amended by deleting in the context thereof, wherever appearing, the numerals "1931" and inserting in lieu thereof the numerals "1933".

SECTION 3. There is hereby appropriated, out of the funds of the territory, not otherwise appropriated, the sum of fifty thousand dollars (\$50,000.00) for the purposes of Act 57 of the Session Laws of 1929, as amended by this Act. The appropriation here made shall be in addition to the appropriation heretofore provided for in said Act 57 and the tax board of the Territory of Hawaii shall have charge and control of all expenditures to be made from said appropriation subject to the conditions and for the purposes set forth in said Act 57. Said appropriation shall be considered an advance to be repaid as herein provided. The said tax board shall cause an accurate record to be kept of the cost of appraisal in each taxation division, and apportion to each taxation division, such a proportion of the general expenses of the board as shall correspond to the proportion which the appraisements of property in such division shall bear to the total of all appraisements in the territory, and shall certify the same to the treasurer of the territory.

The treasurer shall increase the next tax rate for each taxation division by such rate per cent as will raise an amount equal to the total amount so certified by the board, in the proportion that the aggregate value of real and personal property in each county or city and county, as assessed with calculations made as of May tenth, bears to the aggregate value of real and personal property in the territory similarly assessed, which amount when collected shall be paid into the treasury of the territory to reimburse it for the said advancement. The appropriation made herein shall lapse April 30, 1933.

SECTION 4. This Act shall be construed to effectuate the continuance of the tax board of the Territory of Hawaii and its purposes as provided for in Act 57 of the Session Laws of 1929 for an additional period up to and including April 30, 1933.

SECTION 5. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 189

[S. B. No. 183]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTION 2074 AS THEREIN CONTAINED, AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 2074A RELATING TO PAWNBROKERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 125 of the Revised Laws of Hawaii 1925, is hereby amended by amending Section 2074 therein contained, and by adding thereto a new section to be known as Section 2074A, all to read as follows:

"Sec. 2074. Conditions of license. Every such license shall be issued upon these express conditions which shall be set forth in such licenses:

"That the licensee will not charge or receive interest at more than the rate of four per centum per month for any loan under twenty dollars, nor at more than the rate of two per centum per month for any loan above twenty dollars and under one hundred dollars, nor at more than the rate of one per centum per month for any loan above one hundred dollars, nor exact any other gain, profit or reward by charging commissions, discount, storage or other charge, or by compounding interest or by any device increasing such interest.

"That the licensee will not sell any article pledged to him and unredeemed within six months after the last day fixed by contract for redemption, nor make any such sale without publishing at least twice in a newspaper published in the city and county or county where he does business; or if there is no such newspaper, then in a newspaper published in Honolulu in English, at least ten days, and not more than thirty days, before such sale a notice describing such article, and specifying the time and place of sale.

"That the licensee will disclose to the pledgor or his agent the name of the purchaser and the price received by him for any article so pledged and sold.

"That he will keep a book in which shall be written the date, duration, amount, rate of interest of any loan made by him, an accurate description of the property pledged, and the name and residence of the pledgor, a copy of which record shall be delivered to the pledgor. A record of all sales made shall also be entered in such book. No entry in such book shall be erased, mutilated or changed.

"That he will make out and deliver to the sheriff of the county or city and county in which he carries on business, on or before twelve o'clock noon of the last business day of each week, a true and correct copy of all the entries hereinabove required to be made by him in said book concerning his transactions for that week and for the period since his last preceding report, which record shall be preserved by the sheriff and shall be open to the inspection of any person upon satisfactory showing to the sheriff that such inspection is desired for a proper purpose.

"That he will not receive any article by way of pawn or pledge from any minor, knowingly or with reason to believe such person a minor.

"That the books of such licensee, all accounts of sales, the licensed premises and all articles therein may at any time be examined by the treasurer or by any sheriff or deputy sheriff, or by any person presenting to such licensee a written authorization so to do from the treasurer or sheriff or deputy sheriff.

"That he will forthwith notify the sheriff or deputy sheriff of the district wherein he carries on business of any offer made by any person to pledge any articles which the licensee has reasonable cause to suspect have been stolen.

"The omission of any of the foregoing conditions from the license shall not relieve the licensee from the obligation to comply with the provisions of this section.

"Sec. 2074A. Description of goods sold considered warranties when. In case any pawnbroker shall sell or cause to be sold at public auction any articles pawned or pledged to him, the person conducting such auction shall, in describing any such article, be truthful with respect to the character, quality, kind and description of the same, and such descriptions shall, for the purpose of such sale, be considered as warranties."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 190

[S. B. No. 184]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 195 OF THE SESSION LAWS OF 1925, BY AMENDING SECTIONS 1974 AND 1977 AS THEREIN CONTAINED, AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 1974C, RELATING TO PUBLIC AUCTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 125 of the Revised Laws of Hawaii 1925, as amended by Act 195 of the Session Laws of 1925, is hereby amended by amending Sections 1974 and 1977 therein contained, and by adding thereto a new section to be known as Section 1974C, all to read as follows:

"Sec. 1974. Public auction unlawful when. It shall be unlawful for any person, firm or corporation to sell, offer for sale or expose for sale at public auction, any personal property at any place other than in a public auction room, except household furniture, vehicles, automobiles, machinery, live stock and such bulky articles as have usually been sold in warehouses or places other than auction rooms; provided, however, that the provisions of this section shall not apply to any sale made under the direction of any court or to sales of any personal property belonging to the territory or to any county or city and county, or to a bona fide sale of a stock of merchandise where the creditors of the owner thereof are engaged in the legitimate closing out of such stock; nor to hawkers on the street nor peddlers from vehicles, nor to persons selling fruit, fish, vegetables, butter, eggs or other farm or ranch produce; nor to a bona fide sale of a stock of merchandise where the owner thereof is engaged in a legitimate closing out of any such stock and such owner has been engaged in business at a specified location in the territory for not less than six months immediately preceding the commencement of any such sale; provided, further, however, that in the latter case, such owner shall, before commencing any such sale, affix to each article to be sold a tag designating such article by serial number, and file with the county or city and county treasurer a true and sworn statement containing a detailed list and inventory of such stock which shall include (a) a description of each article to be sold sufficient to identify the same, (b) its serial number, (c) its cost price, and (d) the approximate date of its receipt by the owner, if received by him not more than ninety days prior to the date of such statement, and shall imme-

diately, upon the conclusion of such sale, file with the treasurer a true and sworn statement containing a detailed list and inventory of such stock as has been sold at and during such sale, which shall include (a) a description of each article sold sufficient to identify the same, (b) its serial number, and (c) the price received therefor. The treasurer may at any time prior to the filing of the final statement with him, or within ten days thereafter, require the owner to file with him the invoices and bills of lading of any articles in said stock which appear from the preliminary statement to have been received by the owner within three months prior to the first day of such sale. The said statements, invoices and bills of lading shall be open to inspection by any interested person on application to the treasurer. Such sale at public auction shall be only of the stock on hand at the time of filing the aforesaid statement with the treasurer, and such stock shall not be augmented or replenished in anticipation of such auction sale, or pending or during such sale, and such auction sale shall be held on successive days, Sundays and legal holidays excepted, and shall not continue for more than thirty days within the period of one year. Failure to comply with any of the foregoing provisions shall be deemed prima facie evidence that such sale was not for the legitimate purpose of closing out such stock. For the purposes of Chapter 125, a public auction room is defined to be a place designated by a licensed auctioneer in the manner set forth in Section 1976, as the place for holding auction; and further provided that the treasurer of any county or city and county may give a special permit to any regularly licensed auctioneer to conduct the sale of pictures, paintings, furniture, books and bric-a-brac, or personal property under foreclosure of mortgage at a place other than at such public auction room.

"Sec. 1974C. Description of goods sold considered warranties. Any person, firm or corporation selling, disposing of or offering for sale at public auction any of the stock of merchandise for the purpose of closing out the same as provided in Section 1974, shall, in describing the same, be truthful with respect to the cost, character, quality, kind and description of the same, and such descriptions shall, for the purpose of said sale be considered as warranties.

"Sec. 1977. Violation, penalty. Any person, firm or corporation violating any of the provisions of Sections 1974, 1974A, 1974B, 1974C, or 1975 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00) and his or its auctioneer's license shall be subject to forfeiture at the discretion of the court. Each day

that any of the above specified sections are violated shall constitute and be a separate offense, punishable as in this section provided."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 191

[S. B. No. 187]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE COUNTY OF MAUI TO REIMBURSE CERTAIN PERSONS FOR MONEYS EXPENDED BY THEM IN THE CONSTRUCTION OF A ROAD TO AND THROUGH THE VILLAGE OF KAHAKULOA, ISLAND OF MAUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the county of Maui is hereby authorized to pay out of any moneys in the road fund and/or in the permanent improvement fund of said county a sum not to exceed eight thousand four hundred thirty and 76/100 dollars (\$8,430.76) to those certain persons who expended their own funds during the year 1930 in the construction of a road to and through the Village of Kahakuloa, Island of Maui, for the purpose of reimbursing said persons for moneys thus expended.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 192

[S. B. No. 194]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF A ROAD THROUGH THE KEOKEA HOUSE LOTS AND THE KEAUKAHA SEASIDE LOTS IN THE DISTRICT OF SOUTH HILO, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of three thousand five hundred dollars (\$3,500.00), or so much thereof as may be necessary, is hereby appropriated out of the moneys in the treasury of the Territory of Hawaii, in the funds designated as "Leleiwi House Lots", "Piihonua House Lots" and "Wailea Beach Lots", in such manner as the commissioner of public lands may direct, to be expended for the construction of a 20 foot gravel road through lots numbered 2, 3, 4 and 5 of the Keokea House Lots and along the easterly side of lots numbered 14, 3, 4, 5, 6 and 7 of the Keaukaha Seaside Lots in the District of South Hilo, County and Territory of Hawaii, a distance of approximately one thousand feet.

SECTION 2. Said sum of three thousand five hundred dollars (\$3,500.00) hereby appropriated, or so much thereof as may be necessary, shall be disbursed on warrants drawn by the auditor based on vouchers approved by the commissioner of public lands, who shall construct said road by contract with or through the County of Hawaii, as provided by law.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 193

[S. B. No. 200]

AN ACT DIRECTING THE TRANSFER OF FUNDS BETWEEN CERTAIN ITEMS OF ACT 255 OF THE SESSION LAWS OF 1929, FOR THE MILITARY DEPARTMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The auditor of the territory is hereby authorized, empowered and directed to transfer the sum of one thousand four

hundred sixty-six and 40/100 dollars (\$1,466.40) from the item "Capital Outlays for Rights and Obligations—\$1,500.00" under the Military Department of Act 255 of the Session Laws of 1929, in the following manner:

To the item for Military Department "Other Current Expenses" the sum of one thousand four hundred sixty-six and 40/100 dollars (\$1,466.40).

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 194

[S. B. No. 202]

AN ACT MAKING AVAILABLE AN APPROPRIATION FOR THE PAYMENT OF THE CLAIM OF WONG NIN FOR LOSSES SUSTAINED TO TARO LANDS AND CROPS OWNED BY HIM DUE TO DIVERSION OF WATER BY THE TERRITORY OF HAWAII AND/OR ANY SUBDIVISION THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of forty-nine thousand six hundred forty and 45/100 dollars (\$49,640.45) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii not otherwise appropriated, for the purpose of paying any legally adjudicated claims of Wong Nin for and on account of loss and damages sustained by him to his taro lands and growing taro crop thereon, and the deprivation of use of said taro lands, due to diversion of water by the government of the Territory of Hawaii, and/or or any subdivision thereof, from the waterhead known as "Waiakekua" in Manoa Valley, city and county of Honolulu.

SECTION 2. Any claim presented by the said Wong Nin shall not be deemed a legally adjudicated claim within the contemplation of Section 1 unless it shall be found to be a valid legal claim by a court of competent jurisdiction in a final judgment against the Territory of Hawaii and/or any subdivision thereof. Upon presentation to the auditor of the territory of a certified copy of such final judgment the sum hereby appropriated shall be paid to the extent of said judgment upon a warrant duly issued by the said

auditor of the territory. Upon payment of the sum here appropriated, or any part thereof, the treasurer of the territory shall, in fixing the next tax rate for the city and county of Honolulu, add to the amount to be raised thereby the said sum, which amount, when collected, shall be paid into the general fund as a reimbursement.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 195

[S. B. No. 205]

AN ACT PROVIDING FOR THE CONTINUANCE OF THE PENSIONS OF CERTAIN BENEFICIARIES NAMED IN ACT 267 OF THE SESSION LAWS OF 1927 AND MAKING APPROPRIATIONS THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the territory is hereby authorized and directed to pay each month, beginning with the month of July, 1931, and continuing up to and including the month of June, 1933, to each of the beneficiaries named in Act 267 of the Session Laws of 1927, living and, if female beneficiaries, unmarried on and after July 1, 1931, the respective amounts specified in said Act; provided, however, that no beneficiary shall be permitted to draw the amount so specified if such beneficiary is holding any salaried position with the territory or any political subdivision thereof and that pensions to female beneficiaries shall cease upon their remarriage.

All amounts necessary to make such payments are hereby appropriated for such purposes out of the general revenues of the territory, to be paid upon warrants issued by the territorial auditor.

SECTION 2. This Act shall take effect on July 1, 1931.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 196

[S. B. No. 207]

AN ACT TO AMEND SECTION 2965 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO GROUNDS FOR DIVORCE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2965 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2965. Grounds for divorce. Divorces from the bond of matrimony shall be granted for the causes hereinafter set forth and no other:

"(1) For adultery in either party;

"(2) For wilful and utter desertion for the term of six months;

"(3) When either party is sentenced to imprisonment for life or for seven years or more; and after divorce for such cause no pardon granted to a party so sentenced shall affect such divorce;

"(4) For insanity of either party, where the same has existed for three years or more;

"(5) When it is shown to the satisfaction of a judge that either party has contracted the disease known as leprosy;

"(6) For extreme cruelty;

"(7) For habitual intemperance;

"(8) When either party is guilty toward the other of such cruel treatment, neglect or personal indignities, though not amounting to physical cruelty, continued over a course of not less than sixty days, as to render the life of the other burdensome and intolerable and their further living together insupportable; or

"(9) When the husband, being of sufficient ability to provide suitable maintenance for his wife, neglects or refuses to do so for a continuous period of not less than sixty days.

"But if the party applying for divorce shall not insist upon a divorce from the bond of matrimony, a divorce only from bed and board shall be granted, and the relations of the parties after such divorce shall be regulated by the laws concerning separation."

SECTION 2. This Act shall take effect from the date of its approval and shall operate retrospectively and prospectively.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 197

[S. B. No. 211]

AN ACT REQUIRING THE TERRITORIAL BOARD OF HEALTH TO KEEP A SUFFICIENT SUPPLY OF CEREBRO-SPINAL MENINGITIS, DIPHTHERIA AND TETANUS ANTITOXINS ON HAND AND AVAILABLE FOR FREE ADMINISTRATION TO PERSONS UNABLE TO PAY FOR SAME IN THE VARIOUS COUNTIES AND THE CITY AND COUNTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The territorial board of health is hereby authorized and directed to purchase from time to time, and to keep a sufficient supply of cerebro-spinal meningitis, diphtheria and tetanus antitoxins on hand and available for free administration to persons unable to pay for same in the various counties and the city and county.

Such antitoxins shall be administered free of charge to any person infected with cerebro-spinal meningitis, diphtheria or tetanus and who is at the time unable to pay for the same, by any physician of the board of health or of such counties or city and county, or such antitoxin may be furnished free of charge by said officials to the attending physician to be used by him in injecting such infected person. Provided, however, the person so benefited, or his estate or personal representatives, if subsequently able to do so, shall be required to pay for any such antitoxin furnished without charge as herein provided.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 198

[S. B. No. 230]

AN ACT TO AMEND SECTION 1350-J OF THE REVISED LAWS OF HAWAII 1925, AS ENACTED BY ACT 237 OF THE SESSION LAWS OF 1929, CREATING THE TERRITORIAL BOARD OF EQUALIZATION, BY PROVIDING FOR A FULL-TIME MEMBER THEREOF RECEIVING COMPENSATION OF SEVENTY-TWO HUNDRED DOLLARS (\$7200.00) PER ANNUM.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1350-J of the Revised Laws of Hawaii 1925, as enacted by Act 237 of the Session Laws of 1929, is hereby amended to read as follows:

“Section 1350-J. Territorial board of equalization. There shall be a territorial board of equalization for the Territory of Hawaii, which shall consist of three members who shall be appointed and removable by the governor as provided in Section 80 of the Organic Act. The governor shall designate a member of such board to act as chairman thereof. The term of office of each member shall be three years, commencing January 1st, provided, however, that of the first members to be appointed hereunder one shall be appointed for a term expiring December 31, 1930, one for a term expiring December 31, 1931, and one for a term expiring December 31, 1932. One of the members who shall be designated by the governor shall devote his full time to the furtherance of the duties of this board and shall be paid out of the treasury compensation for his services in the amount of seventy-two hundred dollars (\$7200.00) per annum. Each of the remaining two members shall receive and be paid out of the treasury compensation for his services at the rate of twenty dollars (\$20.00) per day for each day's actual attendance and such reasonable traveling and other expenses as may be incurred in the discharge of his duties. No officer or employee of the territory or any municipal subdivision thereof shall be eligible for appointment to such board.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 199

[S. B. No. 238]

AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR THE TERRITORIAL AND DIVISIONAL BOARDS OF EQUALIZATION FUND FOR THE BIENNIUM ENDING JUNE 30, 1931.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of the general revenues of the territory the sum of six thousand dollars (\$6,000.00) as an additional appropriation for the territorial and divisional boards of equalization fund for the biennial period ending June 30, 1931, supplementary to and for the same purposes as that certain item of Act 255 of the Session Laws of 1929, which reads: "Territorial and Divisional Boards of Equalization . . . \$40,000.00"; provided, however, that the provisions of said Act 255 applicable to the appropriation therein made shall likewise apply to the additional appropriation as provided for herein.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 200

[S. B. No. 242]

AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE AND EXPEND OUT OF THE PERMANENT IMPROVEMENT FUND THE SUM OF FIFTY THOUSAND DOLLARS (\$50,000.00) DURING THE YEAR 1931 AND THE SUM OF FIFTY THOUSAND DOLLARS (\$50,000.00) DURING THE YEAR 1932 FOR THE PURCHASE OF EQUIPMENT FOR AND/OR ADDITIONS TO THE HONOLULU FIRE DEPARTMENT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the city and county of Honolulu is hereby authorized and empowered to appropriate and expend out of the permanent improvement fund of said city and county the sum of fifty thousand dollars (\$50,000.00) during the year 1931 and the sum of fifty thousand dollars (\$50,000.00)

during the year 1932 for the purchase of equipment for and/or additions to the Honolulu fire department.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 201

[S. B. No. 245]

AN ACT PROVIDING FOR THE REIMBURSEMENT OF THE CHING LUM ESTATE FOR TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay to the Ching Lum Estate, Honolulu, city and county of Honolulu, Territory of Hawaii, out of real and personal property tax moneys collected in the first taxation division, the sum of two hundred twenty-seven and 63/100 dollars (\$227.63), for the purpose of reimbursing said estate for taxes illegally collected from said estate.

SECTION 2. This sum shall be paid upon warrants issued by the auditor of the Territory of Hawaii, based upon vouchers approved by the tax assessor of the first taxation division.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 202

[S. B. No. 250]

AN ACT TO AMEND SECTIONS 2497, 2499 AND 2500 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE DISTRIBUTION OF THE PERSONAL ESTATE OF ANY LEPER, OR OF ANY KOKUA, RESIDENT IN THE COUNTY OF KALAWAO, OR OF ANY LEPER, KOKUA OR SUSPECT IN THE KALIHI RECEIVING HOSPITAL, CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2497 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2497. Distribution personal estate. Whenever, by reason of the death of any leper, or of any kokua, resident in the county of Kalawao, or of any leper, kokua or suspect in the Kalihi Receiving Hospital, city and county of Honolulu, and of the want of an executor or administrator, any personal property or moneys have or shall come into the possession of the board of leper hospitals and settlement, the said board is empowered to receive such personal property or moneys and to distribute the same, upon the approval of the attorney general, to the persons satisfactorily proven to him to be the persons who would be entitled to the personal estate of the decedent by the laws, relating to the distribution of estates of intestates; provided, however, that before any such distribution shall be made, notice shall be given to any and all persons having claims to such personal property or moneys, or against any such decedent, by publication once a week for four successive weeks in a newspaper, printed in both the Hawaiian and English languages, of general circulation in the territory, or by posting in three or more conspicuous places in the territory to appear and file the said claims.

SECTION 2. Section 2499 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2499. Claims paid pro rata. If the claims against such deceased persons exceed in amount such moneys, then and in such case, the said board shall convert such other personal property into cash, or so much thereof as may be necessary, and pay such claims; or if there still be insufficient funds for such purpose, then the board shall divide the same pro rata among the creditors of such deceased person."

SECTION 3. Section 2500 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2500. Balance deposited in treasury. Where no such claim to any such personal property or moneys is made, or when any balance remains after the payment of any and all claims made, within the time hereby limited, the said board is required to convert the personal property, if there be any, into cash, and to deposit immediately the cash or moneys or balance of the same in the treasury of the territory as a government realization."

SECTION 4. This Act shall take effect from and after July 1, 1931.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD.
Governor of the Territory of Hawaii.

ACT 203

[S. B. No. 252]

AN ACT TO AUTHORIZE TAX ASSESSORS TO REMIT TAXES ON AND REMOVE FROM ASSESSMENT ROLL PROPERTY ACQUIRED FOR PUBLIC PURPOSES BY THE TERRITORY OR ANY POLITICAL SUBDIVISION THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever any land or other property is acquired for public purposes by the territory or any political subdivision thereof, the tax assessors of the several taxation divisions are hereby authorized to remit the taxes thereon for the balance of the taxation period or year from and after the date of acquisition of the said property, and to remove the property from the tax assessment list or roll.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 204

[S. B. No. 254]

AN ACT AMENDING SECTION 2315 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO ATTORNEYS IN THE DISTRICT COURTS OF THE TERRITORY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2315 of the Revised Laws of Hawaii 1925, is hereby amended so as to read as follows:

"Sec. 2315. Admission, qualifications. The supreme court, the several circuit courts and the circuit judges shall have power to examine and admit as practitioners in the district courts of the territory, such persons of good moral character who are citizens of the United States of America and who have taken the prescribed oath of office, as said courts and judges may find qualified

for the purpose. Such practitioners shall be licensed to practice during good behavior; provided, however, that all licenses to practice in the district courts of the territory heretofore issued and now remaining unrevoked shall continue in force and effect, subject, however, to cancellation and revocation as by law provided."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 205

[H. B. No. 63]

AN ACT TO AMEND SECTION 1325 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO PROPERTY EXEMPT FROM TAXATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1325 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by adding new paragraphs thereto, reading as follows:

"All that property belonging to the Imperial Council Ancient Arabic Order of the Nobles of the Mystic Shrine for North America, formerly known as the Dowsett property, located on Punahou Street, Honolulu, including all personal property therein, so long as the same is maintained as a hospital for crippled children.

"All that property belonging to the Salvation Army, located on Vineyard Street, Honolulu, and used as an industrial center, so long as the same is maintained as an industrial center administered by the Salvation Army.

"All property, both real and personal, belonging to, and actually and solely used for hospital purposes by, the Kona Japanese Hospital, County of Hawaii, so long as the said hospital maintains a free ward.

"The property on School Street owned by the Korean Mutual Aid Society of Hawaii used as a home for aged and indigent Korean men, so long as the property is used exclusively for such purpose.

"The property belonging to the S. W. Wilcox Trust, an eleemosynary trust, and known as the 'David Belden Lyman and Sarah Joiner Lyman Memorial', situated at Hilo, Hawaii, and containing an area of .78 acres, shall be exempt from taxation."

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 206

[H. B. No. 241]

AN ACT APPROPRIATING THE SUM OF THIRTEEN THOUSAND DOLLARS (\$13,000.00) FOR THE PAVING OF PUBLIC STREETS AND ROADS WITHIN THE KAPAA TOWN LOTS, FIRST AND SECOND SERIES TRACTS, IN THE DISTRICT OF KAWAIIHAU, COUNTY OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of thirteen thousand dollars (\$13,000.00), or so much thereof as may be necessary, is hereby appropriated out of the moneys in the treasury of the Territory of Hawaii in the fund designated "Kapaa House Lots—Kauai", to be expended for the paving of Inia, Kukui and Kauwila Streets within the Kapaa Town Lots, First Series, Kapaa, Puna, Kauai and Beach, Keaka, Kealoha and Kaloloku Roads within the Kapaa Town Lots, Second Series, Kapaa, Puna, Kauai.

SECTION 2. Said sum of thirteen thousand dollars (\$13,000.00) hereby appropriated, or so much thereof as may be necessary, shall be disbursed on warrants drawn by the auditor, based on vouchers approved by the commissioner of public lands, who shall begin the paving of said streets and roads not later than July 1, 1931, and who may construct such streets and roads by contract with or through the County of Kauai as provided by law.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 207

[H. B. No. 332]

AN ACT TO REIMBURSE H. Y. CHAR FOR LOSSES SUSTAINED IN CARRYING OUT THE TERMS OF A CONTRACT ENTERED INTO WITH THE COUNTY OF MAUI FOR THE CONSTRUCTION OF A PORTION OF THE KAUNAKAKAI-HOOLEHUA ROAD, JOB NUMBER TWO, ISLAND OF MOLOKAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the County of Maui is hereby authorized and directed to pay, upon a warrant drawn by the auditor of the County of Maui, the sum of twelve hundred dollars (\$1200.00) to H. Y. Char of Maui, for the purpose of reimbursing said H. Y. Char for losses sustained in carrying out the terms of that certain contract entered into with the County of Maui on or about January 8, 1929, for constructing a portion of said road and which losses were sustained by delay caused by unfavorable weather and scarcity of labor, and to which reimbursement said H. Y. Char is equitably entitled.

SECTION 2. Upon said payment by the treasurer of the County of Maui the said H. Y. Char shall be required to release the County of Maui from any further relief arising from said contract.

SECTION 3. This Act shall take effect from the date of its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 208

[H. B. No. 345]

AN ACT TO AMEND ACT 90 OF THE SESSION LAWS OF 1929, RELATING TO THE UPKEEP BY ADDITIONAL TAXATION OF HOSPITALS IN THE COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Act 90 of the Session Laws of 1929, is hereby amended to read as follows:

"Section 1. The tax assessor of the third taxation division shall, commencing with the year 1929, and each year thereafter, increase the tax rate on real and personal property in said taxation division over that provided in any other law to an extent sufficient to provide the annual sum of one hundred thousand dollars (\$100,000.00) which shall, when collected, be distributed as follows: eighty thousand dollars (\$80,000.00) to the treasurer of the County of Hawaii to be held by him in a special fund for the use, with other moneys made available by the board of supervisors, and by the legislature of the Territory of Hawaii, for the permanent improvement, maintenance and equipment of the county hospitals of the County of Hawaii, other than Puumaile Home, and twenty thousand dollars (\$20,000.00) to the territorial treasurer, to be held by him with any other funds available for that purpose, to be expended by the territorial board of health for the permanent improvement, maintenance and equipment of Puumaile Home in said County of Hawaii."

SECTION 2. This Act shall take effect upon its approval, and apply to the 1931 and subsequent collections.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 209

[H. B. No. 395]

AN ACT TO AMEND SECTION 7 OF ACT 187 OF THE SESSION LAWS OF 1929, REGULATING FISHING WITHIN THE JURISDICTION OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 7 of Act 187 of the Session Laws of 1929, is hereby amended to read as follows:

"Section 7. Any person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than two hundred dollars (\$200.00), or to imprisonment for a term of not more than fifty days, or to both such fine and imprisonment; provided, however, that in the case of a corporation violating any of the terms of this Act only the fine shall be imposed, but any officer of such corporation who shall have wilfully procured or permitted such violation by such corporation of any of the terms of this Act shall be subject to fine and/or imprisonment as in the case of an individual violating the terms of this Act. One-half of any fine collected under the terms hereof shall be paid by the court or officer collecting the same to any person, not being a police officer or an officer or employee of the division, assisting in the arrest and conviction of the offender paying such fine.

Provided, however, that where any person is convicted of violating the provisions of the Act aforesaid, the court may, in addition to the penalty imposed, revoke any license granted in accordance therewith upon conviction of a second offense."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 210

[S. B. No. 6]

AN ACT TO FIX THE SPECIAL SCHOOL FUND BUDGET FOR THE BIENNIAL PERIOD BEGINNING JANUARY 1, 1932, AND ENDING DECEMBER 31, 1933.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The special school fund budget referred to in Chapter 28 of the Revised Laws of Hawaii 1925, shall be as follows for the biennial period beginning January 1, 1932, and ending December 31, 1933:

	City and County of Honolulu	County of Kauai	County of Maui	County of Hawaii	Whole Territory
1. New Buildings, Additions and Improvements	\$ 503,500.	\$ 35,000.	\$106,500.	\$153,200.	\$ 798,200.
2. Repairs and Maintenance of buildings and grounds....	277,500.	50,000.	100,000.	55,700.	483,200.
3. Land: New Sites and Addi- tions to be selected by the superintendent of public in- struction	93,500.	.....	20,000.	20,000.	133,500.
4. Land: Grading and Im- provements	115,000.	.....	5,000.	46,600.	166,600.
5. Furniture and Equipment..	70,000.	5,000.	20,000.	22,700.	117,700.
6. Toilets	65,000.	.....	10,000.	22,700.	97,700.
7. Janitors' Salaries and Sup- plies	226,000.	20,000.	30,000.	77,600.	353,600.
<i>It being provided that the Janitors of the schools shall be appointed by and the salaries and supplies shall be expended under the direction of the Department of Public Instruc- tion.</i>					
8. Transportation of Pupils....	.....	.....	30,000.	75,000.	105,000.
9. Special Items	70,000.	.....	2,500.	.....	72,500.
Total Special School Fund	\$ 1,420,500.	\$110,000.	\$324,000.	\$473,500.	\$ 2,328,000.

SPECIAL SCHOOL FUND

SECTION 2. This Act shall take effect from and after January 1, 1932.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 211
[S. B. No. 15]

AN ACT TO AMEND CHAPTER 104 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO INHERITANCE TAX, BY ADDING THERETO A NEW SECTION, TO BE KNOWN AS SECTION 1400B, RELATING TO ESTATE TAX.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 104 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new section, to be known as Section 1400B, to read as follows:

"Sec. 1400B. (1) Whenever the estate of any decedent who, at the time of death, was a resident of this territory shall be subject to an estate tax under the federal estate tax law, and the tax imposed by Section 1400 of this chapter shall be less than the credit of eighty per cent allowed by said federal estate tax law, the tax imposed by said Section 1400 shall be increased by the imposition of an additional tax so that the total amount of tax payable to the territory under said section and this paragraph, upon or in respect of the transfer of such estate, shall be equal to the maximum amount of the credit allowed under said federal estate tax law. The additional tax imposed by this paragraph shall be credited with the amount of any constitutionally valid estate, inheritance, legacy or succession taxes actually paid to any state or to any other territory or to the District of Columbia, in respect of any property included in the gross estate, but the amount to be so credited shall in no event exceed the amount of additional tax imposed by this paragraph in respect of the property upon which the tax to be credited was imposed. For the purpose of this paragraph the amount of additional tax imposed hereby in respect of any particular item or items of property shall be deemed to be that proportion of the total additional tax imposed by this paragraph upon the entire net estate which the value of said item or items bears to the value of the entire gross estate. Where any such tax has been paid to any state or other territory of the United States or the District of Columbia with respect to property included in the gross estate and other property, so as to make an apportionment necessary in determining the amount of credit here-

under, such tax shall be apportioned in the ratio that the value of the particular item or items of property included in the gross estate is to the gross value of the entire property on which such tax was imposed. Credit under this section shall be allowed only if such taxes are actually paid and claim for credit is made within three years after the date of the decedent's death, except that the treasurer of the territory may, for good cause shown, extend the period for payment of such taxes and for making such claim. For the purposes of this paragraph the gross estate does not include real property situated or tangible personal property having its actual situs outside of this territory.

“(2) An additional tax is hereby imposed upon or in respect of the transfer of so much of the net estate of every person who, at the time of death, was a non-resident of this territory as consists of real property situated and tangible personal property having an actual situs in this territory, the amount of such additional tax to be determined as follows: Ascertain the amount of tax which would be payable under paragraph (1) of this section if the decedent had died a resident of this territory with all his property (except real property situated and tangible personal property having an actual situs outside of this territory) situated or located within this territory, and multiply the net tax so ascertained by a fraction the denominator of which shall be the value of the gross estate as ascertained for the purpose of computing such additional tax and the numerator of which shall be the gross estate value of the real property situated and the tangible personal property having an actual situs in this territory. The product shall be the amount of the tax payable to this territory, and no credit shall be allowed against the tax so determined.

“(3) The additional tax imposed by this section shall be known as the ‘Hawaii Estate Tax’. It shall apply only to estates of persons dying on or after the effective date of this section, and shall be paid by the executor or administrator or other proper party out of the same funds as any ordinary charge against the estate.

“In case the present federal estate tax law shall be amended or shall be repealed and succeeded by another federal estate tax law allowing a similar or different credit, this section shall remain in force as to estates of persons dying prior thereto, but as to estates of persons dying thereafter it shall be construed as if such amending or succeeding law had been mentioned or referred to herein in place of the present federal estate tax law and as if the credit therein allowed were the credit mentioned in paragraph (1) of this section, and similarly as to any changes made in the federal estate tax laws thereafter, to the intent that this territory may obtain the benefit of the credit, if any, allowed by any federal

estate tax law in force from time to time for the time being as to estates of persons dying during the effective period of such law; and, in case there shall cease to be a federal estate tax law or a credit allowed thereunder, this section shall be inoperative as to estates of persons dying thereafter.

"If, after payment of the Hawaii estate tax, the amount of the federal estate tax shall, upon final determination thereof, be increased or decreased as affecting an estate, the transfer of any part of which is taxable under this section, said Hawaii estate tax shall be changed accordingly; any additional Hawaii estate tax shall be payable at the same time or times at which the additional federal estate tax is payable, and, in case there shall be a decrease in the federal estate tax, the excess paid as Hawaii estate tax shall be refunded out of any moneys in the treasury available for the purpose. If the federal government should refuse to allow in whole or in part a claimed credit or should collect the whole or any part of the amount of the credit previously allowed by it for the Hawaii estate tax with respect to the Hawaii estate of any person, then any excess of the Hawaii estate tax actually paid hereunder shall in such case be similarly refunded.

"It is the intent and purpose of this section to obtain for this territory the benefit of the credit allowed by the federal estate tax law to the extent that the territory may be entitled under the provisions of said law by imposing additional taxes, and this section shall be liberally construed to effect this purpose. All administrative and other provisions of this chapter shall, so far as not inapplicable to or inconsistent with the provisions of this section, be applicable to the additional tax imposed by this section as well as to the tax imposed by Section 1400. The treasurer of the territory may make such regulations, not inconsistent with law, relative to the assessment and collection of the additional tax imposed by this section, as may be necessary or proper for carrying out the intent of this section. If any provision of this section or the application thereof to any estate, person or circumstances or to any part of the additional tax imposed by this section is held invalid, the remaining provisions of this section and the application of any provisions of this section to any other estate, person or circumstances or to any other part of the additional tax imposed by this section shall so far as possible, not be affected thereby."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 212

[S. B. No. 18]

AN ACT TO AMEND SECTIONS 302 AND 295 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO TEACHERS, QUALIFICATIONS, CERTIFICATES, DISMISSAL AND TRIAL.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 302 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 302. Teachers; qualifications; certificates. No person shall serve as a teacher in any school without first having obtained a certificate from the department of public instruction, which certificate shall be issued, without cost to the teacher, in such form as the department shall determine. Before issuing a certificate to any teacher, the department shall satisfy itself that such teacher is possessed of the ideals of democracy, knowledge of American history and institutions, and knows how to read, write and speak the English language; provided, however, that nothing herein shall prevent the department from requiring graduates of any teachers' training school who have not had the equivalent of one year of regular or practice teaching to serve as probationary teachers for a period not to exceed one year at salaries prescribed by the department, but less than those provided in the regular salary schedule. During such probationary period such probationary teachers shall serve without such certificates.

"The department shall have power to employ for the supervision of the work of such probationary teachers and in addition to the number of supervisors authorized by Section 336 as amended, special supervisors, who shall receive such compensation as the department may prescribe, provided, that the aggregate amount of all compensation paid to such special supervisors shall not exceed the amount of the difference between the total amount paid to all probationary teachers and the total amount which would be payable to them under the salary schedule if they were regular teachers."

SECTION 2. Section 295 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 295. Teachers; dismissal; trial. No person, who shall have received a certificate from the department of public instruction of the territory to teach in any public school in the territory, and who has been legally employed, shall be dismissed or dropped for cause from the service of the department without the oppor-

tunity of a trial and hearing had before the department of public instruction upon charges presented in writing by the superintendent, and a full and complete hearing had before the department, and for good and just cause. Any contract, the terms of which are contrary to the provisions of this section, shall be of no force and effect; provided, however, that nothing herein contained shall prevent the dismissal of probationary teachers during the probationary period provided for in Section 302 without trial and hearing as herein provided."

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 213

[S. B. No. 19]

AN ACT TO PROVIDE FOR THE DEVELOPMENT OF THE TERRITORIAL NORMAL AND TRAINING SCHOOL INTO THE TEACHERS COLLEGE OF HAWAII, WHICH SHALL BE AFFILIATED WITH AND UNDER THE JURISDICTION OF THE UNIVERSITY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The territorial normal and training school shall hereafter be known as the teachers college of Hawaii. The purpose of the said teachers college shall be to train teachers to meet the requirements of the public schools of the territory. The said teachers college shall be affiliated with the University of Hawaii and shall be under the jurisdiction and management of the university board of regents, who are hereby required to have the same standard of entrance requirements as now in force and authorized to grant appropriate degrees to properly qualified graduates of the said teachers college; provided, however, that in the matter of the curriculum it shall be the obligation of the university authorities to obtain, as far as possible, the approval of the department of public instruction; and provided further, that the department of public instruction shall appoint an advisory committee of at least three members, whose obligation it shall be to cooperate with the university authorities in the development of the best possible teacher training program for the said teachers college.

SECTION 2. All properties now under the management of the department of public instruction and devoted to the use of the territorial normal and training school, including land, buildings, equipment, records and other appurtenances, shall on September 1, 1931, be transferred to and become a part of the University of Hawaii for the use of the said teachers college; provided, however, that at such times as facilities for the training school are provided on the campus of the said teachers college, such properties as are now being utilized by the territorial normal and training school as a grammar school for teacher training shall be returned to the department of public instruction for its use in connection with the public schools of the territory.

SECTION 3. Any moneys in the hands of the department of public instruction belonging to, or held to the credit of, the territorial normal and training school as of September 1, 1931, shall be transferred to the University of Hawaii for the use of the said teachers college and any appropriations or funds standing on the books of the auditor and/or the treasurer of the territory in the name of the territorial normal and training school or in the name of the department of public instruction and devoted to the use of the territorial normal and training school shall on September 1, 1931, be transferred to the credit of the University of Hawaii for the use of the said teachers college.

SECTION 4. The University of Hawaii shall provide a fair and equitable means for the full recognition of all credits earned and received by graduates and students of the territorial normal and training school on the same basis as if they had been earned as a student at the university, and in pursuing courses at the university, such graduates and students shall be entitled to the same rights and privileges as other students who are candidates for the bachelor's degree, and any graduates or students who heretofore or hereafter receive diplomas from the territorial normal and training school shall, upon application, be given also an appropriate certificate or diploma by the University of Hawaii, which certificate or diploma shall also show the standing such student or teacher will have at the university, if desiring to complete the requirements for a bachelor's degree.

The University of Hawaii shall also provide a fair and equitable means for the full recognition of all credits earned and received by any person now in the employ of the department of public instruction as a teacher, who became such teacher through graduation from the normal school prior to September, 1922, or became eligible to teach by passing the required teachers' examination offered by the department of public instruction.

SECTION 5. This Act shall take effect on September 1, 1931; provided, however, that nothing in the Act shall be construed so as to affect in any way the eligibility for employment or the status in employment of teachers who are now employed as teachers in any of the public schools of the territory.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 214
[S. B. No. 65]

AN ACT RELATING TO THE CARE, CUSTODY AND CONTROL OF
NON-LEPROUS CHILDREN BORN TO PARENTS ONE OR BOTH
OF WHOM ARE LEPROUS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The home for non-leprous female children, known as the Kapiolani Girls' Home, Honolulu, and the home for non-leprous male children, known as the Kalihi Boys' Home, Honolulu, are hereby placed under the care and control of the board of health.

SECTION 2. All non-leprous children born to parents one or both of whom are leprous are hereby declared wards of the Territory of Hawaii and placed in the care, custody and control of the board of health during minority;

PROVIDED, that the Board shall permit any child born to parents, only one of whom is leprous, to reside with its non-leprous parent, provided such parent is capable of caring for, educating and maintaining such child; provided, further, that the board may allow any non-leprous child to reside with such suitable family or person, as may be for the best interest of any such minor and the public welfare.

The board shall have power to allow any such minor to engage in such pursuits, under the direction and orders of individuals, and upon such terms as to remuneration for such employment, as the board may deem proper, and the earnings of any such minor shall be deposited by the board in a bank in trust for such minor during his or her minority.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 215

[S. B. No. 110]

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC INSTRUCTION TO PRINT, PUBLISH AND SELL REPORTS, PAMPHLETS, CERTIFICATES, ETC.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The department of public instruction is hereby authorized to prepare or cause to be prepared, printed and published, such reports, pamphlets, duplicate certificates, outlines of courses, etc., as in the discretion of the department may seem advisable, and to sell and/or dispose of such publications at a profit to the department.

SECTION 2. All sums of money received from the sale of such publications shall be placed in a separate fund kept by the department for the purpose of defraying some or all of the expenses incident to the preparation, publication and sale thereof.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 216

[S. B. No. 151]

AN ACT TO AMEND SECTION 2544 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 183 OF THE SESSION LAWS OF 1927, RELATING TO FEES OF EXECUTORS, ADMINISTRATORS, TRUSTEES AND GUARDIANS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That paragraph of Section 2544 of the Revised Laws of Hawaii 1925, as amended by Act 183 of the Session Laws of 1927, which reads, "Upon the principal of the estate, executors and administrators shall be allowed as commissions, payable out of the principal at the close of administration, five per cent for the first thousand dollars, four per cent for the next nine thousand dollars, three per cent for the next ten thousand dollars, two per cent for the next thirty thousand dollars, and one per cent for

all over fifty thousand dollars, the amount of such principal for this purpose to be the appraised value of the estate as of the death of decedent", is hereby amended by adding thereto the following proviso: "Provided, however, that for the purpose of computing such commissions on such principal there shall be deducted from the appraised value thereof the amount of any existing indebtedness secured by mortgage upon real property which shall have been duly recorded prior to the death of the decedent and which shall have been foreclosed and the real estate covered by same sold under the terms thereof, at any time, during the administration of the estate; and in case the estate includes real property subject to an agreement of sale duly recorded prior to the death of the decedent such commissions shall be calculated on the appraised value thereof, less such amount as may have been paid to the decedent by the vendee on account of the purchase price thereof."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 217

[S. B. No. 161]

AN ACT TO AMEND SECTION 3209 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LAND REGISTRATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3209 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3209. Memorandum of application, record of. The application may be filed with the registrar, or with the assistant registrar at the registry of deeds for the district in which the land or any portion thereof lies.

"Upon filing his application the applicant shall forthwith cause to be filed in the registry of deeds a memorandum stating that application for registration has been filed, and the date and place of filing, and a copy of the description of the land contained in the application. This memorandum shall be filed and indexed by the recorder with the records of deeds. Each assistant registrar

shall also keep an index of all applications in his district, and in every case where the application is filed with him, shall transmit the same, with the papers and plans filed therewith, to the registrar. The fee to be charged the applicant by the recorder for the filing and indexing of this memorandum shall be one dollar."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 218

[S. B. No. 170]

AN ACT TO AMEND SECTION 3484A OF THE REVISED LAWS OF HAWAII 1925, AS ENACTED BY ACT 208 OF THE SESSION LAWS OF 1929, RELATING TO TRUST COMPANIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3484A of the Revised Laws of Hawaii 1925, as enacted by Act 208 of the Session Laws of 1929, is hereby amended to read as follows:

"Sec. 3484A. Participation certificates. Subject to the provisions of Section 3484, a trust company may issue participation certificates on a trust deed or mortgage and the debt secured thereby or a group of trust deeds or mortgages and the debts secured thereby, which debt or debts are held by or in the name of such trust company individually or in a representative capacity, and may individually or in a representative capacity sell to or buy from any trust or fund administered by it the interests represented by such certificates at their face value, provided that such debt or debts are a proper investment for trust funds. In the event that said trust deeds or mortgages are trust deeds and mortgages on real estate, said real estate must be improved; and no such mortgage loan shall exceed sixty per cent of the market value of the property mortgaged. The amount of participation certificates issued and outstanding at any time shall not exceed the face value of the trust deed or mortgage and debt upon which the same are predicated, and in case a group of trust deeds or mortgages and debts are used as security for such participation certificates, the amount thereof shall not exceed 90% of the aggre-

gate value of such group, and any part interest in such trust deed or mortgage and debt or such group of trust deeds or mortgages and debts shall at all times be and remain at least equal in lien to any other interest therein. The records of the trust company shall at all times show every interest in such trust deed or mortgage and debt or such group of trust deeds or mortgages and debts and the forms of such certificates and records shall conform to such requirements as may be prescribed by the bank examiner."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 219

[S. B. No. 189]

AN ACT RELATING TO SERVICE CREDITABLE IN THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Subject to the requirements of Section 3 of this Act, any present member of the employees' retirement system of the Territory of Hawaii (1) who was an employee of the territory on and prior to the 1st day of March, 1926, and who became a member of said system within the period ending the 1st day of January, 1927, or (2) who was an employee of any county or city and county on and prior to January 1, 1928, and who became a member of said system within the period ending the 1st day of January, 1929, shall, in addition to any prior service credits heretofore allowed him, be entitled to and be granted by the trustees of said system, prior service credit for periods of honorable service in the army, navy, marine corps, coast guard and/or public health service of the United States of America at any time between the dates of April 5, 1917, and July 2, 1920, which service necessitated separation at the time of its inception from existing territorial, county or city and county employment.

SECTION 2. Any present member of said system, who became an employee of the territory during the period from January 1, 1926, to December 31, 1927, and who was in the regular employ of any county or city and county immediately prior and up to the time of his becoming an employee of the territory and who became

a member of said system within six months after so becoming an employee of said territory, and who, by reason of such transfer from county or city and county service to territorial service lost any prior service credit to which he otherwise would be entitled in said system if he had continued in county or city and county service up to January 1, 1928, and had thereafter become a member of said system within the period from said date to January 1, 1929, shall be entitled to and granted such prior service credit, including credit provided for by Section 1 of this Act, upon compliance with the provisions of Section 3 of this Act.

SECTION 3. No such credit provided for by this Act shall be given to any member of said system unless such member shall, on or before December 31, 1931, apply to the trustees of said system upon such forms and in accordance with such rules as such trustees shall prescribe, for such additional prior service credit. It shall be the duty of such trustees immediately upon the passage of this Act to notify all heads of departments or bureaus of the government of the territory and/or any county or city and county of the requirements of this Act and of the necessity for application by members entitled to the benefits of this Act within the period required by this section, and it shall be the duty of all such heads of departments or bureaus to notify all employees within their respective departments or bureaus who are members of said system of the requirements of this Act.

SECTION 4. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 220

[S. B. No. 201]

AN ACT RELATING TO THE FILING OF NOTICES OF LIENS FOR INTERNAL REVENUE TAXES PAYABLE TO THE UNITED STATES OF AMERICA AND THE DISCHARGES THEREOF IN THE BUREAU OF CONVEYANCES, AND PROVIDING FOR THE KEEPING OF INDEXES OF FEDERAL TAX LIEN NOTICES IN THE BUREAU OF CONVEYANCES AND OFFICE OF THE ASSISTANT REGISTRAR OF THE LAND COURT.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Notices of liens for internal revenue taxes payable to the United States of America and certificates of release or of partial discharge of such liens may be filed in the bureau of conveyances of the Territory of Hawaii, at Honolulu.

SECTION 2. When a notice of such tax lien is filed the registrar of conveyances shall forthwith enter the same in an alphabetical federal tax lien index showing, all on one line, the name and place of residence of the taxpayer named in such notice, the internal revenue collector's serial number of such notice, the date and hour of filing, and the amount of tax with interest, penalties and costs. He shall file and keep all original notices so filed in numerical order in a file or files designated federal tax lien notices.

SECTION 3. When a certificate of release or of partial discharge of any tax lien issued by the collector of internal revenue or other proper officer is filed in the bureau of conveyances, said registrar of conveyances shall enter the same with date of filing in said federal tax lien index on the line where the notice of lien so discharged is entered, and permanently attach the original certificate of release or discharge to the original notice of lien.

SECTION 4. In case any notice of tax lien filed in the bureau of conveyances as aforesaid affects or may affect any land the title whereof is registered in the land court of the territory, the said registrar of conveyances, in his separate capacity as assistant registrar of the land court, shall also make a record of the filing thereof and of the filing of each certificate of discharge of such lien in a separate similar index in the office of the assistant registrar of the land court, and make a notation thereof on each land court certificate of title in his office relating to land affected thereby.

SECTION 5. No fee shall be charged for the filing or entry of any notice of federal tax lien or certificate of release or discharge thereof.

SECTION 6. This Act is passed for the purpose of authorizing the filing of notices of liens in accordance with the provisions of Section 3186 of the Revised Statutes of the United States, as amended by the Act of March 4, 1913, 37 statutes at large, page 1016, and any other acts or parts of acts at any time amendatory thereof.

SECTION 7. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 8. This Act may be cited as the Uniform Federal Tax Lien Registration Act.

SECTION 9. All laws or parts of law inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. This Act shall take effect on and after the first day of July, 1931.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 221

[S. B. No. 206]

AN ACT TO AMEND SECTION 3213 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO LAND COURT APPLICATIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3213 of the Revised Laws of Hawaii 1925, as amended by Act 258 of the Session Laws of 1927, and by Act 184 of the Session Laws of 1929, is hereby amended to read as follows:

"Sec. 3213. Application may include several parcels. An application may include two or more parcels of land in which the applicant claims the same interests; provided, however, that all parcels must be within the same judicial district, as said districts are defined by Chapter 14 of the Revised Laws of Hawaii 1925.

"But two or more parcels shall not be included in one application regardless of where they are situated unless the claim of the applicant is of the same interest in each parcel included in the application, nor shall co-applicants, whether their claims are of equal or unequal interest in the lands sought to be registered, include more than one parcel in one application unless the interest claimed by each applicant is uniform and of the same quantum of estate in every parcel sought to be included in the one application.

"The court may at any time order an application to be amended by striking out one or more of the parcels or by a severance of the application."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 222

[S. B. No. 226]

AN ACT TO AMEND SECTION 3229 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LAND REGISTRATION, BY ADDING THERETO A NEW CLAUSE NUMBERED SIXTH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3229 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto a new clause, numbered sixth, to read as follows:

"Sixth, the possibility of reversal or vacation of the decree of registration upon writ of error issued within ninety days from the entry of such decree of registration."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 223

[S. B. No. 227]

AN ACT TO AMEND SECTION 3269 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LAND REGISTRATION.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 3269 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

“Sec. 3269. Effect. No writ of entry, petition for partition, or any proceeding in equity, or action at law affecting the title to real estate or the use and occupation thereof or the buildings thereon, and no judgment or decree, nor any writ of error, bill of review or other proceeding to vacate or reverse any judgment or decree, shall have any effect upon registered land as against persons other than the parties thereto, unless a full memorandum thereof, containing also a reference to the number of certificate of title of the land affected, and the volume and page of the registration book where it is entered, shall be filed and registered, and a copy thereof sent by the assistant registrar by registered mail to the registered owner and holder of the certificate of title of the land affected, at his last known address. This section shall not apply to attachments, levies of execution, or to proceedings for the probate of wills, or for administration in a probate court; provided, however, that in case notice of the pendency of the action has been duly registered it shall be sufficient to register the judgment or decree in the action within sixty days after the rendition thereof.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 224

[S. B. No. 240]

AN ACT TO AMEND SECTIONS 1004, 1005 AND 1006 OF THE REVISED LAWS OF HAWAII 1925, AND TO REPEAL SECTION 1007 THEREOF, RELATING TO THE SALE OF POISONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 1004, 1005 and 1006 of the Revised Laws of Hawaii 1925, are hereby amended to read as follows:

"Sec. 1004. Sale of poisons. The board of health of the Territory of Hawaii is hereby authorized and directed to make rules and regulations, and to amend the same from time to time in its discretion, subject to the approval of the governor, concerning the sale or other disposal of poisons and containers in which poisons have been confined."

"Sec. 1005. Poison defined. 'Poison' means any substance, which when applied to or introduced into the blood or tissues of man or animal, is capable of causing death, or any drug, chemical medicine or preparation whatsoever which, according to standard works on medicine, toxicology or materia medica tend to be destructive to human life when administered in quantities of sixty grains or less, or any mixture or compound or preparation containing in sixty grains or less a sufficient quantity of any such drug, chemical or preparation as to make the same tend to be destructive to human life if sixty grains or less thereof be taken internally."

"Sec. 1006. Penalty for violations. Any person who shall violate any such rule or regulation of the board of health, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than one month or not more than six months, or by both such fine and imprisonment."

SECTION 2. Section 1007 of the Revised Laws of Hawaii 1925, is hereby repealed.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 225

[H. B. No. 79]

AN ACT TO AMEND SECTION 311 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PUBLIC INSTRUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 311 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 311. Text-books; rental of. The department of public instruction, on and after September 1, 1931, is authorized and empowered to inaugurate a system of rentals of text-books in all of the public schools of the territory. Under the provisions of this Act, the department may collect from each pupil a book rental fee not to exceed the following schedule of maximum rates:

First and second grades.....	\$1.00 per year
Third and fourth grades.....	2.00 per year
Fifth and sixth grades.....	3.25 per year
Seventh and eighth grades, Grammar Schools	4.00 per year
Seventh, eighth and ninth grades, Junior High Schools.....	5.00 per year
Tenth, eleventh and twelfth grades.....	5.00 per year

"Provided, however, that nothing in this Act shall be construed to prohibit any parent, so desiring, the right to purchase outright and the use, by pupils, of any book or books so purchased, provided such book or books are on the adopted or approved list of the department of public instruction for use in the public schools, and provided, further, that the purchase of any book or books for use by any pupil, shall not deprive said pupil the use of any of the supplementary books adopted or approved by the department, provided said pupil is willing to pay the proportionate rental asked for the use of such book or books.

"All moneys collected for such book rentals shall be kept in a special fund by the principal of each public school, subject to such rules and audits as the department may prescribe, and shall be expended for the purchase of text books approved by the department of public instruction. Whenever possible preference shall be given local firms in the purchase of such school books as are approved or prescribed by the department.

"The department of public instruction shall require of each principal a suitable bond conditioned for the faithful performance

of his duties, the amount of said bond to be governed by the size of school and the amount of moneys to be handled by said principal through such rentals. The premium on said bonds shall be paid by the department of public instruction."

SECTION 2. This Act shall take effect on and after September 1, 1931.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 226

[H. B. No. 260]

AN ACT APPROPRIATING THE SUM OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) FOR THE PAVING OF PUBLIC ROADS WITHIN THE KEKAHA HOUSE LOTS TRACT, KEKAHA, ISLAND OF KAUAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of two thousand five hundred dollars (\$2,500.00), or so much thereof as may be necessary, is hereby appropriated out of the moneys in the treasury of the Territory of Hawaii in the fund designated "Kekaha House Lots—Kauai" to be expended for the paving of Kiowea and Akepa Roads within the Kekaha House Lots Tract, Kekaha, Kona, Waimea, Kauai.

SECTION 2. Said sum of two thousand five hundred dollars (\$2,500.00) hereby appropriated, or so much thereof as may be necessary, shall be disbursed on warrants drawn by the auditor, based on vouchers approved by the commissioner of public lands, who shall begin the paving of said roads not later than July 1, 1931, and who may construct such roads by contract with or through the County of Kauai as provided by law.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 227

[H. B. No. 262]

AN ACT TO AMEND SECTION 3529 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO SERVICE OF PROCESS ON CORPORATIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3529 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3529. Manner of service. Service of any notice or process authorized by law issued against any corporation, whether domestic or foreign, by any magistrate, court, judicial or administrative officer or board, may be made in the manner provided by law upon any officer or director of the corporation who shall be found within the jurisdiction of the magistrate, court, officer or board, and in default of finding any officer or director, upon the manager or superintendent of the corporation or any person who shall be found in charge of the property, business, or office of the corporation within the jurisdiction.

"Provided that if no officer, director, manager, superintendent or other person in charge of the property, business or office of the corporation can be found within the territory, and in case the corporation, if a foreign corporation, shall have neglected to file with the officer specified in Section 3494 the name of a person upon whom legal notice and process from the courts of the territory may be served, and likewise in the event that the person so named shall not be found within the territory, service may be made upon the corporation by filing with the treasurer of the territory, or in his absence, with the registrar of public accounts, a copy of the notice, or process, certified to be such under the seal of any court of record, or by the magistrate, or by the chairman, or president of the board, or by the officer issuing the same, and it shall be the duty of the treasurer of the territory, or the registrar of public accounts so served as aforesaid immediately to notify the defendant corporation of such service, and the filing shall be deemed service upon the corporation forty-five days after the filing, and shall authorize the magistrate, board or officer to proceed in all respects as in the case of service personally made upon an individual."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 228

[H. B. No. 285]

AN ACT APPROPRIATING THE SUM OF FIVE THOUSAND DOLLARS (\$5,000.00) FOR THE REPAIR AND RECONSTRUCTION OF AHUALOA HOMESTEAD ROAD, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii received from the sale of homestead lands on the Island of Hawaii for the repair and reconstruction of Ahualoa Homestead Road from Ahualoa School to the Waimea-Honokaa Road, County of Hawaii.

SECTION 2. The sum hereby appropriated shall be disbursed on warrants drawn by the auditor based on vouchers approved by the commissioner of public lands, who shall have charge of the repair and reconstruction of said road.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 229

[H. B. No. 286]

AN ACT APPROPRIATING THE SUM OF FIVE THOUSAND DOLLARS (\$5,000.00) FOR THE REPAIR AND RECONSTRUCTION OF UPPER KAAPAHU HOMESTEAD ROAD, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of five thousand dollars (\$5,000.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii received from the sale of homestead lands on the Island of Hawaii for the repair and reconstruction of upper Kaapahu Homestead Road, County of Hawaii.

SECTION 2. The sum hereby appropriated shall be disbursed on warrants drawn by the auditor based on vouchers approved by

the commissioner of public lands, who shall have charge of the repair and reconstruction of said road.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 230

[H. B. No. 292]

AN ACT REAPPROPRIATING THE SUM OF NINETEEN THOUSAND DOLLARS (\$19,000.00) HERETOFORE APPROPRIATED FOR THE EXTENSION OF KINOOLE STREET, HILO, HAWAII, FROM MOHOULI STREET TO HOKU STREET.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of nineteen thousand dollars (\$19,000.00) is hereby reappropriated out of the balance of the appropriation heretofore made for the Waiakea House Lots Road, second series, by Act 255 of the Session Laws of 1929, for the extension of Kinoole Street from Mohouli Street to Hoku Street in the City of Hilo, District of South Hilo, County of Hawaii.

SECTION 2. Said sum shall be disbursed on warrants drawn by the auditor of the territory, based upon vouchers approved by the commissioner of public lands, who shall have charge of building, constructing and completing the said Kinoole Street extension; provided, that the commissioner of public lands shall contract for the construction of said Kinoole Street, if a satisfactory bid can be obtained; but in case a satisfactory bid cannot be obtained, or no bid or bids are received, the commissioner of public lands may authorize the board of supervisors of the County of Hawaii to perform the work by day labor, in which event the provisions of Sections 1477 and 1478 of the Revised Laws of Hawaii 1925 and amendments thereto shall not apply to such work.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 231

[H. B. No. 135]

AN ACT TO AMEND SECTION 3980 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO BAIL IN CRIMINAL CASES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3980 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 3980. By whom allowed. In cases where the punishment for the offense charged may be death, or imprisonment for a term not less than ten years with or without fine, a judge or justice of a court of record, but no other magistrate, shall be competent to admit the accused to bail, in conformity with the provisions of Sections 3978-3981. In all other cases the accused may be so admitted to bail by any judge or justice of a court of record, or by any police or district magistrate, and in cases where the punishment for the offense charged may not exceed two years' imprisonment with or without fine, the high sheriff, his deputy, any sheriff or his deputy, regardless of the circuit or district within which the alleged offense was committed, may admit the accused person to bail."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 232

[S. B. No. 115]

AN ACT APPROPRIATING THE SUM OF NINETY-TWO THOUSAND FIVE HUNDRED FIFTY-ONE AND 04/100 DOLLARS (\$92,551.04) FOR REIMBURSING THE CITY AND COUNTY OF HONOLULU FOR THE COST OF PAVING CERTAIN PORTIONS OF STREETS IN FRONTAGE IMPROVEMENT NOS. 49 TO 57, INCLUSIVE, AND IMPROVEMENT DISTRICTS NOS. 29 TO 35, INCLUSIVE.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of ninety-two thousand five hundred fifty-one and 04/100 dollars (\$92,551.04) is hereby appropriated

out of the general fund of the Territory of Hawaii, for the purpose of reimbursing the city and county of Honolulu for the payments made by it on assessments for street improvements on streets in Frontage Improvement Nos. 49 to 57, inclusive, and Improvement Districts Nos. 29 to 35, inclusive, such payments having been made under Section 1852 of the Revised Laws of Hawaii 1925.

SECTION 2. The said sum of ninety-two thousand five hundred fifty-one and 04/100 dollars (\$92,551.04) shall be paid to the treasurer of the city and county by warrants drawn by the auditor of the Territory of Hawaii.

SECTION 3. This Act shall take effect from and after July 1, 1931.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 233

[S. B. No. 195]

AN ACT TO EXEMPT FROM TAXATION PROPERTY OF, OR HELD
FOR THE BENEFIT OF, THE ASSOCIATED STUDENTS OF THE
UNIVERSITY OF HAWAII AND USED FOR ATHLETIC PURPOSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. All property, both real and personal, owned, leased or otherwise held directly by, or through Trustees for the benefit of, the associated students of the University of Hawaii and used for athletic purposes, shall be exempt from all property taxes during the period of such ownership or lease, including any unpaid taxes for the calendar year 1931. The said associated students may grant concessions or permits for the use of any portion or portions of such property excepting for purposes of professional boxing. The associated students shall grant radio broadcasting concessions without charge to any parties desiring to broadcast athletic events from such property.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 234

[S. B. No. 218]

AN ACT AMENDING CHAPTER 119 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO MUNICIPAL GOVERNMENT, HIGHWAYS, HONOLULU—IMPROVEMENTS, BY AMENDING SECTION 1856-A OF SAID REVISED LAWS, AS ENACTED BY ACT 98 OF THE SESSION LAWS OF 1927, AS AMENDED BY ACT 205 OF THE SESSION LAWS OF 1929.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1856-A of the Revised Laws of Hawaii 1925, as enacted by Act 98 of the Session Laws of 1927, as amended by Act 205 of the Session Laws of 1929, is hereby further amended by amending the sentence at the end thereof to read as follows:

“It is provided, however, that no such improvement shall be approved by the board unless the assessed valuation for taxation purposes of the land to be so improved is twice the cost of the proposed improvement.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 235

[S. B. No. 249]

AN ACT TO AMEND CHAPTER 136 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO JUVENILE COURTS, BY AMENDING SECTIONS 2266 AND 2268 THEREOF AND BY ADDING THERETO A NEW SECTION TO BE KNOWN AS SECTION 2267A.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Sections 2266, as amended, and 2268 of the Revised Laws of Hawaii 1925, are hereby amended to read as follows:

“Sec. 2266. Care of dependents. When any child under the age of eighteen years shall be found to be a dependent child, the judge

may make an order committing such child, during a term not to exceed its minority, to the care of a suitable institution or to the care of some reputable citizen. The judge shall, when the health or the condition of the child requires, cause such child to be placed in a public hospital or institution for treatment, and all necessary expenses incurred in connection therewith shall be paid out of such moneys as may be appropriated for the expenses of the circuit courts; provided, however, that the judge may at any time cite the parent or parents of such child to appear before him to show cause why such parent or parents should not pay such sum or sums as may in the discretion of the judge be necessary for the maintenance and support of such child. The judge may make such order or orders for the maintenance and support of such child as the judge may deem just and reasonable, having regard to the financial ability of the parent or parents and all other circumstances of the case, and may enforce such order or orders by summary process."

"Sec. 2268. Care and custody by probation officer; expenses. A child, while under the orders of the judge, shall be in the care and custody of the probation officer or such other person as the judge may designate and all necessary expenses incurred in the proper care of such child during the pendency of the proceedings shall be paid out of such moneys as may be appropriated for the expenses of the circuit courts; provided, however, that the judge may, at any time, cite the parent or parents of such child to appear before him to show cause why such parent or parents should not pay such sum or sums as may be in the discretion of the judge necessary for the maintenance and support of such child. The judge may make such order or orders for the maintenance and support of such child as the judge may deem just and reasonable, having regard to the financial ability of the parent or parents and all other circumstances of the case, and may enforce such order or orders by summary process; provided, further, however, that no judge or probation officer shall be entitled to receive any compensation for any services performed under this chapter, except as otherwise provided for by law."

SECTION 2. Chapter 136 of said Revised Laws, as amended, is hereby further amended by adding thereto a new section to be known as Section 2267A and to read as follows:

"Sec. 2267A. Maintenance of delinquents. Whenever any delinquent child is committed to the care of any private institution or to the care of some reputable citizen, the judge may cite the parent or parents of such child to appear before him to show cause why such parent or parents should not pay such sum or

sums as may, in the discretion of the judge, be necessary for the maintenance and support of such child. The judge may make such order or orders for the maintenance and support of such child as the judge may deem just and reasonable, having regard to the financial ability of the parent or parents and all other circumstances of the case, and may enforce such order or orders by summary process."

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 236

[S. B. No. 253]

AN ACT AUTHORIZING THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO PAY CERTAIN CLAIMS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the city and county of Honolulu is hereby authorized to pay to the following named persons the following respective amounts representing claims of said persons against said city and county:

1. To H. H. K. deFries & Son, for amounts deducted by said city and county for failure on their part to complete within the stipulated time contracts for the construction of buildings at Liliuokalani School, Lincoln School, Pohukaina School, Kalihi-kai School, and Wahiawa School, during the year 1926..... \$500.00
2. To H. H. K. deFries & Son, for expenses of alteration of building at Lincoln School to conform to original specifications in contract after completion of building in accordance with directions to alter original specifications 168.00
3. To H. H. K. deFries & Son for balance due contractor, John C. Picanco, under contract for installment of water mains for Ward Avenue and Ala Moana, to which said H. H. K. deFries & Son were subrogated and which has never been paid by said city and county of Honolulu..... 88.00

4. To J. A. L. deFries, for amount advanced by him to secure bid of H. H. deFries for Kohala sewer line, which was forfeited for inability of said H. H. deFries to give bond upon acceptance of bid..... 46.00

SECTION 2. None of said claims shall be paid by the said board of supervisors unless it shall be satisfied that the same are just, reasonable and valid claims against the city and county of Honolulu and the party or parties to whom such payment is authorized to be made shall sign a written release, relieving said city and county of and from any and all claims which they or any of them may or might have under any of the contracts mentioned in this Act.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 237

[S. B. No. 80]

AN ACT TO REIMBURSE CERTAIN PERSONS AND CORPORATIONS FOR INCOME AND INHERITANCE TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated the sum of twelve thousand two hundred thirty-three and 24/100 dollars (\$12,-233.24) from the general revenues of the territorial treasury to reimburse the following named persons in the following named amounts for taxes illegally collected from them:

Theo. H. Davies & Company, Limited.....	\$10,742.23
C. A. Scott.....	27.22
Armour and Company.....	119.03
Guy H. Buttolph.....	254.46
Lucy Schulmeister, et al, residuary legatees and devisees in remainder under the terms and provisions of the last will and testament of Manuel da Costa Picadura	603.48
Thomas H. Murray	14.10
Auto Rental Company, Limited.....	209.11

F. A. Fromhertz.....	179.47
Mrs. J. J. Redmon.....	59.14
J. C. O'Day.....	25.00

Provided, however, that any delinquent amounts due the Territory of Hawaii from any of the persons named may be deducted from the awards made to them.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 238

[S. B. No. 95]

AN ACT RELATING TO THE DISPOSITION OF CERTAIN FUNDS DERIVED BY THE TERRITORY FROM WATER LEASES AND/OR LICENSES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There shall be paid to the respective counties and to the city and county of Honolulu from time to time out of revenues accruing to the territory for any calendar year from water leases and/or licenses in said respective counties and city and county, after deducting from such revenues such proportion thereof as shall be required to be deducted and/or paid therefrom for any other purpose by Section 213 of the Hawaiian Homes Commission Act 1920 (Revised Laws of Hawaii 1925, Section 542) and/or any other statute of the United States creating a prior charge thereon, such amounts, not to exceed, however, in the aggregate, the sum of fifteen thousand dollars (\$15,000.00) per year to each of said counties or the city and county, nor to exceed the sum realized from water licenses during that year from territorial water within the respective county or the city and county, as shall have been paid during such year by said county or the city and county to private individuals and/or corporations for water and/or water privileges furnished to or on account of said county or the city and county, which amounts shall be determined by vouchers approved and submitted by the board of supervisors of said county or the city and county to the auditor of the terri-

tory. Such amounts shall be paid to the treasurer of said county or the city and county upon warrants of the territorial auditor and shall constitute a charge upon such revenues derived by the territory for such year prior to all other charges against the same except such as shall be entitled to priority by virtue of any statute of the United States and all such amounts are hereby appropriated for such purpose. All such payments shall be credited to the general fund of the county or the city and county for the year in which the same are received.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 239

[S. B. No. 186]

AN ACT PROVIDING FOR THE DETERMINATION OF THE STATUS OF CERTAIN MEMBERS OF, OR CLAIMANTS TO MEMBERSHIP IN, PENSION FUNDS PROVIDED FOR BY CHAPTER 130 OF THE REVISED LAWS OF HAWAII 1925, OR THE EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. It shall be incumbent upon (1) all persons who claim to be members of any pension fund provided for by Chapter 130 of the Revised Laws of Hawaii 1925, and whose names are not now enrolled upon the records of such fund as members thereof (either as beneficiaries or otherwise) and (2) all persons who claim to be such members and whose names are enrolled upon the records of the employees' retirement system of the Territory of Hawaii as alleged compulsory members thereof, to inquire of the trustees of such pension fund concerning their present status and to make application to the trustees of such fund for the adjudication of their present status with respect to such fund. It shall be incumbent upon the trustees of such pension fund to give to all such applicants such information as shall be so requested and to hear all such applications as may be so presented, and to determine the status of all such applicants with respect to such fund, subject to appeal on questions of law only from decisions of such trustees in the same manner, to the same tribunals, and subject to

the same conditions, as nearly as may be, as in the cases of appeals on points of law from decisions of district magistrates.

SECTION 2. Any such applicant who shall be so adjudicated to be still a member of such pension fund shall continue, subject to the provisions of law, to be a member of such fund and shall not, so long as he is still such member, be entitled to become or deemed to be a member of the employees' retirement system of the Territory of Hawaii and any amounts which may have been contributed by him to such system as a supposed compulsory member thereof shall be refunded to him. Every such applicant who shall be so adjudicated to be no longer a member of such pension fund shall be deemed to have the same status, with respect to membership or eligibility to membership in said employees' retirement system as if he had never been a member of such pension fund.

SECTION 3. All persons mentioned in Section 1 of this Act who shall fail to make application, as in this Act required, prior to the first day of January, 1932, for adjudication as to their present status with respect to such pension fund shall be conclusively deemed to have waived any rights or claims which they had or might have in or against such pension fund or to membership therein and shall be deemed to have the same status with respect to membership or eligibility to membership in the said employees' retirement system as if they had never been members of such pension fund.

SECTION 4. This Act shall not apply to any person who has voluntarily applied for and been granted membership in the employees' retirement system of the Territory of Hawaii, and every such person shall be conclusively deemed to have waived any rights or claims which he had or might have had in or against any such pension fund or to membership therein.

SECTION 5. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 240

[S. B. No. 203]

AN ACT TO AMEND SECTION 1738 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO POWERS OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1738 of the Revised Laws of Hawaii 1925, is hereby amended by adding to paragraph 25 thereof the following:

“Provided the minimum salary for any member of the fire department shall be one hundred fifty dollars (\$150.00) per month.”

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 241

[S. B. No. 223]

AN ACT TO AUTHORIZE THE PAYMENT OF CLAIMS FOR LABOR AND MATERIALS UNDER KAMEHAMEHA HIGHWAY FEDERAL AID PROJECT No. 3A, NOT PROTECTED BY THE CONTRACTOR'S BOND, AND MAKING AN APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of seventy thousand nine hundred thirty-eight dollars (\$70,938.00), (less such amount or amounts, if any, as shall be realized by the Territory under that certain bond dated December 15, 1928, furnished to the territory by the National Construction Company, Limited, as principal, and C. W. Winstedt and Marie C. Winstedt as sureties, to secure the performance by National Construction Company, Limited, of its contract dated December 14, 1928, made with the territory for the construction of Kamehameha Highway Federal Aid Project Job No. 3A, or under any other security furnished collaterally with said bond), is hereby appropriated from the general revenues of the territory, and shall, together with the amounts so realized, be used to pay the unpaid claims for labor and material furnished by others to said

National Construction Company, Limited, and/or the trustee for the creditors of said company, and actually incorporated into and remaining in the finished work provided for in said contract, and if the whole amount so available therefor shall be insufficient to pay said claims in full the same shall be paid thereon pro rata. No such claims shall be entitled to participate in the payment herein provided unless the same shall be established as valid claims against the contractor's bond in the manner provided in Chapter 153 of the Revised Laws of Hawaii 1925, and any amendments thereto, provided, however, that for the purposes of this Act any and all payments made by the contractor or by others on its behalf to any claimant hereunder from and after the date of the said contract shall be deemed to have been made first on account of any claim or claims then existing in favor of such payee for labor and/or materials furnished upon or for said project.

SECTION 2. The payments herein authorized shall be made on warrants issued by the auditor of the territory upon vouchers approved by the superintendent of public works.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 242

[S. B. No. 243]

AN ACT TO AMEND SECTION 3231 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO LAND REGISTRATION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 3231 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 3231. Transcription of decree in registry. Immediately upon the entry of the decree of registration the registrar shall send a certified copy thereof, under the seal of the court, to the recorder for the registry district or districts in which the lands lie, and the recorder as assistant registrar shall transcribe the decree in a book to be called the registration book, in which a leaf or leaves in consecutive order shall be devoted exclusively to each

title. The entry made by the assistant registrar in this book in each case shall be the original certificate of title, and shall be signed by him and sealed with the seal of the court. 'All certificates of title shall be numbered consecutively, beginning with number one. The assistant registrar shall in each case make an exact duplicate of the original certificate, including the seal, but putting on it the words 'owner's duplicate certificate', and deliver the same to the owner or to his attorney duly authorized.

"In case of a variance between the owner's duplicate certificate and the original certificate the original shall prevail. The certified copy of the decree of registration shall be filed and numbered by the assistant registrar with a reference noted on it to the place of record of the original certificate of title; provided, however, that when several parcels of land within the same judicial district which are not contiguous have been registered under one application, the decree of registration shall expressly state that the assistant registrar, after entering the decree in the registration book, may cancel the original certificate of title and issue in place thereof a separate transfer certificate of title for each parcel so registered."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 243

[S. B. No. 246]

AN ACT TO AMEND SECTION 1762 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 198 OF THE SESSION LAWS OF 1927 AND BY ACT 144 OF THE SESSION LAWS OF 1929, RELATING TO SALARIES OF ELECTIVE OFFICIALS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1762 of the Revised Laws of Hawaii 1925, as amended by Act 198 of the Session Laws of 1927 and by Act 144 of the Session Laws of 1929, is hereby amended to read as follows:

"Sec. 1762. Salaries of elective officials. The salaries of the following elective city and county officers shall be payable monthly out of the city and county treasury at the following rates:

	PER ANNUM
Mayor	\$7,500.00
Members of the board of supervisors.....	1,200.00
Sheriff	6,600.00
City and county clerk.....	5,700.00
Auditor	5,700.00
City and county attorney.....	7,500.00
Treasurer	6,000.00"

SECTION 2. This Act shall take effect July 1, 1931.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 244

[H. B. No. 8]

AN ACT AUTHORIZING AND DIRECTING THE TREASURER OF THE
TERRITORY TO REIMBURSE CERTAIN PERSONS AND CORPORA-
TIONS FOR TAXES ILLEGALLY COLLECTED.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the territory is hereby authorized and directed, out of real and personal property tax collections in the first taxation division for the current year, before apportionment thereof, to reimburse the following-named persons in the following respective amounts for property taxes illegally collected:

Charles Girdler	\$ 93.75
Jose Motta	26.72
Dengo Nakayama	30.00
Mrs. Meta Gertz.....	34.92
D. Wai Sing.....	155.42
Lum Mew Ching.....	296.33
Pang Koon Kau.....	134.07
Union Trust Company, Ltd., agent for Harry Kai Chun	136.20
Union Trust Company, Ltd., agent for Phillip Andrade	141.04
Bank of Hawaii, Limited.....	667.60
V. D. Doty.....	321.42

SECTION 2. Said treasurer is hereby authorized and directed, out of real and personal property tax collections in the second taxation division for the current year, before apportionment thereof, to reimburse the following-named persons in the following respective amounts for property taxes illegally collected:

Mrs. C. A. Drummond.....	\$901.32
J. Pia Cockett, administrator of the estate of W. B. Keanu.....	450.12
Mrs. Mary Aki.....	5.69
Mrs. Lily Marciel.....	111.11
P. J. Goodness.....	211.05

and to reimburse the following-named persons in the following respective amounts for personal taxes illegally collected:

Pili Kekai	25.00
Kokichi Fuke	8.50

SECTION 3. Said treasurer is hereby authorized and directed, out of real and personal property tax collections in the third taxation division for the current year, before apportionment thereof, to reimburse the following-named persons in the following respective amounts for property taxes illegally collected:

Manuel M. Chiquita.....	\$119.53
Robert Kihoi	7.56

and to reimburse the following-named persons in the following respective amounts for personal taxes illegally collected:

Mrs. Robert Kihoi.....	\$ 5.00
Mrs. Moses Koki.....	5.00

SECTION 4. Said treasurer is hereby authorized and directed, out of real and personal property tax collections in the fourth taxation division for the current year, before apportionment thereof, to reimburse the following-named persons in the following respective amounts for property taxes illegally collected:

Mrs. Joe de Reis.....	\$ 39.29
Wong Fearf	33.59

SECTION 5. Each of the sums herein authorized to be paid shall be paid on warrant of the territorial auditor based upon a voucher approved by the assessor of the taxation division in which the amount to be refunded was collected.

SECTION 6. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 245

[H. B. No. 10]

AN ACT TO AMEND SECTION 184 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 95 OF THE SESSION LAWS OF 1929, RELATING TO VACATIONS OF PUBLIC EMPLOYEES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 184 of the Revised Laws of Hawaii 1925, as amended by Act 95 of the Session Laws of 1929, is hereby further amended to read as follows:

[Sic] "Sec. 184. Vacation for per diem employees. Whenever any person shall have been employed on a per diem basis by the territory or by or in one or more departments thereof, or by a county, or the city and county of Honolulu, or by or in one or more departments thereof, for a least two hundred and fifty working days in the aggregate, he shall be entitled to a vacation of twelve working days with full pay."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 246

[H. B. No. 106]

AN ACT TO AMEND SECTION 2422 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO PER DIEM AND MILEAGE OF JURORS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2422 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 2422. Certificate of. At the end of each month during the term of a circuit court and whenever jurors are excused as provided in Section 2400, the clerk shall make a certificate to each juror entitled thereto, certifying the number of days such juror has attended court and the amount due to him per diem and for mileage. Each juror shall state on oath to the clerk the

number of miles traveled for which he is entitled to pay; but no juror shall receive mileage for going to or returning from court more than once during the same term for which he was summoned; provided, however, that when a juror is released or excused for a period of more than one week and is again called back to serve, he shall be allowed his mileage as at first; and no person summoned as a juror who does not serve or is excused at his own request shall receive any per diem or mileage."

SECTION 2. This Act shall take effect on July 1, 1931.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 247

[H. B. No. 134]

AN ACT TO AMEND SECTION 2977 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO DIVORCE DECREES AND ORDERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2977 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto the following:

"Provided, however, that any judge or court may, if there be no contest, grant a divorce without a hearing, whenever it shall be made to appear by the certificate of the president of the territorial board of health that any libellant or libellee has contracted, and is afflicted with, leprosy, and has resided in the Territory of Hawaii for not less than two years next preceding the filing of any libel for divorce."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 248

[H. B. No. 209]

AN ACT AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU TO PAY THE CLAIM OF WALKER & OLUND, LIMITED, FOR WORK DONE AND MATERIALS FURNISHED IN COMPLETING THE CITY HALL.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu is hereby authorized, empowered and directed to pay out of any moneys in the permanent improvement fund of the said City and County of Honolulu to Walker & Olund, Limited, the sum of four hundred sixty-three and 50/100 dollars (\$463.50) for materials furnished and labor performed in doing certain extra work in completing the City Hall of said city and county.

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 249

[H. B. No. 228]

AN ACT TO AMEND SECTION 422 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE MANAGEMENT AND CONTROL OF COUNTY LIBRARIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 422 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Section 422. Managing board has supervision of; powers; reports. Following the establishment of a county free library the board of supervisors shall appoint a managing board for such library, consisting of five in number. The managing board shall be appointed for periods of two years, and shall serve without compensation. The managing board shall have general supervision and control of the county free library; may expend any money acquired by it, through appropriation or otherwise, for the development, use, support and maintenance of the library; and, subject to law, may make general rules and regulations for the govern-

ment thereof. They shall appoint the county librarian as well as such others as may be employed in operating the library, and shall from time to time establish library branches and stations. The managing board shall submit to the board of supervisors and to the board of trustees of the Library of Hawaii, annual reports concerning the library and its requirements, which reports shall be incorporated in the annual report of the trustees of the Library of Hawaii and annually transmitted to the governor."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 250

[H. B. No. 258]

AN ACT AUTHORIZING AND DIRECTING THE PAYMENT TO THE COUNTY OF HAWAII OF THE SUM OF THIRTY THOUSAND DOLLARS (\$30,000.00) FROM SURPLUS TAX COLLECTIONS NOW ON HAND AND COLLECTED IN SAID COUNTY OF HAWAII, FOR EQUIPMENT AND SUPPLIES FOR THE NEW WING OF THE HILO MEMORIAL HOSPITAL, HILO, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby empowered, authorized and directed to pay to the County of Hawaii the sum of thirty thousand dollars (\$30,000.00) now in the territorial treasury, constituting a portion of the surplus collection of taxes received from the said County of Hawaii, and to be expended by the said county for the following purpose:

"Purchase of equipment, fixtures, furniture and supplies for the new wing of the Hilo Memorial Hospital in the City of Hilo, County of Hawaii."

SECTION 2. Such payment shall be made upon a warrant issued by the territorial auditor for the purpose stated above, and said amount of thirty thousand dollars (\$30,000.00) shall not be deemed to be paid on account of the requirements of said County of Hawaii for the year 1931 for the purpose of fixing the tax rates therefor for said year.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 251

[H. B. No. 289]

AN ACT APPROPRIATING THE SUM OF NINE THOUSAND FOUR HUNDRED DOLLARS (\$9,400.00) FOR THE REPAIR AND RECONSTRUCTION OF KAMAOA HOMESTEAD ROAD, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of nine thousand four hundred dollars (\$9,400.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii received from the sale of homestead lands on the Island of Hawaii for the repair and reconstruction of Kamaoa Homestead Road, County of Hawaii.

SECTION 2. The sum hereby appropriated shall be disbursed on warrants drawn by the auditor based on vouchers approved by the commissioner of public lands, who shall have charge of the repair and reconstruction of said road.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 252

[H. B. No. 296]

AN ACT REGULATING THE SALE OF SECURITIES AND TO MAKE UNIFORM THE LAW RELATING THERETO.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Definitions. When used in this act the following terms shall, unless the text otherwise indicates, have the following respective meanings:

(1) "Security" shall include any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation, or right to subscribe to any of the foregoing, certificates of interest in a profit-sharing agreement, certificate of interest in an oil, gas or mining lease, collateral trust certificate, pre-organization certificate, pre-organization subscription, any transferable share, investment contract, or beneficial interest in

title to property, profits or earnings or any other instrument commonly known as a security; including an interim or temporary bond, debenture, note, certificate, or receipt for a security or for subscription to a security.

(2) "Person" shall include a natural person, a corporation created under the laws of this Territory or any state, country, sovereignty, or political subdivision thereof, a partnership, an association, a joint stock company, a trust and any unincorporated organization. As used herein the term "trust" shall not include a trust created or appointed under or by virtue of a last will and testament, or by a court of law or equity, or any public charitable trust.

(3) "Sale" or "sell" shall include every disposition, or attempt to dispose of a security or interest in a security for value. Any security given or delivered with, or as a bonus on account of, any purchase of securities or any other thing, shall be conclusively presumed to constitute a part of the subject of such purchase and to have been sold for value. "Sale" or "sell" shall also include a contract to sell, an exchange, an attempt to sell, an option of sale, a solicitation of a sale, a subscription or an offer to sell, directly or by an agent, or a circular, letter, advertisement or otherwise; provided, that a privilege pertaining to a security giving the holder the privilege to convert such security into another security of the same issuer shall not be deemed a sale of such other security within the meaning of this definition and such privilege shall not be construed as affecting the status of the security to which such privilege pertains with respect to exemption or registration under the provisions of this Act, but when such privilege of conversion shall be exercised such conversion shall be subject to the limitations hereinafter provided in subsection (h) of Section 5; and provided further that the issue or transfer of a right pertaining to a security and entitling the holder of such right to subscribe to another security of the same issuer, when such right is issued or transferred with the security to which it pertains, shall not be deemed a sale of such other security within the meaning of this definition and such right shall not be construed as affecting the status of the security to which such right pertains with respect to exemption or registration under the provisions of this Act; but the sale of such other security upon the exercise of such right shall be subject to the provisions of this Act.

(4) "Dealer" shall include every person other than a salesman who in this Territory engages either for all or part of his time directly or through an agent in the business of selling any securities issued by another person or purchasing or otherwise acquir-

ing such securities from another for the purpose of reselling them or of offering them for sale to the public, or offering, buying, selling or otherwise dealing or trading in securities as agent or principal for a commission or at a profit, or who deals in futures or differences in market quotations of prices or values of any securities or accepts margins on purchases or sales or pretended purchases or sales of securities; provided that the word "dealer" shall not include a person having no place of business in this Territory who sells or offers to sell securities exclusively to brokers or dealers actually engaged in buying and selling securities as a business.

(5) "Issuer" shall mean and include every person who proposes to issue, has issued, or shall hereafter issue any security. Any person who acts as a promoter for and on behalf of a corporation, trust or unincorporated association or partnership of any kind to be formed shall be deemed to be an issuer.

[Sic] (6) "Salesman" shall include every natural person, other than a dealer, employed or appointed or authorized by a dealer or issuer, to sell securities in any manner in this Territory. The partners of a partnership and the executive officers of a corporation or other association registered as a dealer shall not be a salesmen within the meaning of this definition.

(7) "Broker" shall mean dealer as herein defined.

(8) "Agent" shall mean salesman as herein defined.

(9) "Commissioner" shall mean the Commissioner of Securities of this Territory.

(10) "Mortgage" shall be deemed to include any trust instrument to secure a debt.

SECTION 2. Commissioner of Securities. The administration of the provisions of this act shall be vested in the treasurer of the Territory of Hawaii who shall ex-officio be the Commissioner of Securities.

The Commissioner may, with the approval of the Governor, appoint as many deputies as shall be authorized by the legislature. The deputies appointed under this act shall perform such duties as the Commissioner shall generally or specifically direct. In case of vacancy in the office of the Commissioner, or in case of the temporary inability of the Commissioner, by reason of absence, physical disability, or other cause, to administer properly the provisions of this act, the Governor may designate a deputy appointed under this statute, or the Registrar of Public Accounts, to act for

and in such Commissioner's stead, and thereupon the officer thus designated shall have generally, for the time being, all the power and authority in this act conferred upon the Commissioner.

SECTION 3. The Commissioner shall employ from time to time, such other officers, attorneys, clerks and employees, as are necessary for the administration of this act. They shall perform such duties as the Commissioner shall assign to them and their compensation, and the compensation of the deputies herein provided for, shall be fixed by the Commissioner with the approval of the Governor.

The Commissioner and deputies and each of the employees shall take and subscribe and file the oath of office prescribed by law.

The Commissioner, deputies or any person appointed or employed by the Commissioner shall be paid, in addition to their salary or compensation when required to travel on official duties, the transportation cost, board, lodging and other traveling expenses necessary and actually incurred by each of them in the performance of the duties required by this act or performed by the direction of the Commissioner.

The Governor shall cause the Commissioner to be furnished with such quarters, stationery, furniture, office equipment and other supplies as may be necessary for the efficient execution of the functions vested in him by this act.

The Commissioner shall report to the Governor annually upon such date as the Governor shall establish. The report shall contain an account of the work of the Commissioner during the period covered and such data and information as may be deemed necessary or appropriate.

SECTION 4. Exempt Securities. Except as hereinafter otherwise expressly provided, the provisions of this act shall not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States or any territory or insular possession thereof, or by the District of Columbia or by any state of the United States or political subdivision or agency thereof.

(b) Any security issued or guaranteed by any foreign government with which the United States is at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province or political subdivision thereof having the power of taxation or assessment, which security is recognized at the time it is offered for sale in this Territory as a valid obligation by such

foreign government or by such state, province or political subdivision thereof issuing the same.

(c) Any security issued by and representing an interest in or a direct obligation of a national bank or issued by any federal land bank or joint-stock land bank or national farm loan association under the provisions of the Federal Farm Loan Act of July 17, 1916, or by any corporation created and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States.

(d) Any security issued or guaranteed either as to principal, interest or dividend by a corporation owning or operating a railroad or any other public service utility; provided, that such corporation is subject to regulation or supervision either as to its rates and charges or as to the issue of its own securities by a public commission, board or officer of the Government of the United States, or of any state, territory or insular possession thereof, or of any municipality located therein, or of the District of Columbia, or of the Dominion of Canada or any province thereof; also equipment securities based on chattel mortgages, leases or agreements for conditional sale of cars, motive power or other rolling stock mortgaged, leased or sold to or furnished for the use of or upon such railroad or other public service utility corporation or where the ownership or title of such equipment is pledged or retained in accordance with the provisions of the laws of the United States or of any state, or of the Dominion of Canada, to secure the payment of such equipment securities; also bonds, notes or other evidences of indebtedness issued by a holding corporation and secured by collateral consisting of any securities hereinabove in this clause (d) described; provided, that the collateral securities equal in fair value at least 125 per centum of the par value of the bonds, notes or other evidences of indebtedness so secured.

(e) Any security issued by a corporation organized exclusively for religious, educational, benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any private stockholder or individual.

(f) Securities appearing in any list of securities dealt in on the New York, San Francisco, Chicago or Honolulu Stock Exchange, the Board of Trade of the City of Chicago or the New York Curb Exchange and which securities have been so listed pursuant to official authorization by such exchange, and also all securities senior to any securities so listed, or represented by subscription rights which have been so listed, or evidences of indebtedness guaranteed by companies any stock of which is so listed,

such securities to be exempt only so long as such listings shall remain in effect. The Commissioner shall have power to deny this exemption with reference to any particular security listed on any of such exchanges, by order published in such manner as the Commissioner shall find proper.

(g) Securities appearing in any list of securities dealt in on any other recognized and responsible stock exchange which has been previously approved by the Commissioner, and which securities have been so listed pursuant to official authorization by such exchange, and also all securities senior to any securities so listed, or represented by subscription rights which have been so listed, or evidences of indebtedness guaranteed by companies any stock of which is so listed, such securities to be exempt only so long as such listing shall remain in effect. The Commissioner shall have power at any time to withdraw approval theretofore granted by him to any exchange, and upon such withdrawal no security listed on such exchange shall be longer entitled to the benefit of such exemption. The Commissioner shall also have power to deny this exemption with reference to any particular security listed on any such exchanges, by order published in such manner as the Commissioner shall find proper.

(h) Any security issued by and representing an interest in or a direct obligation of any bank, trust company or savings institution incorporated under the laws of and subject to the examination, supervision, and control of this Territory; or by any insurance company under the supervision of the Insurance Commissioner of this Territory; or issued by any building and loan association of this Territory under like supervision.

(i) Negotiable promissory notes or commercial paper: provided, that such issue of notes or commercial paper matures in not more than twelve months from date of issue and shall be issued within three months after the date of sale.

(j) Any security, other than common stock, providing for a fixed return, which has been outstanding and in the hands of the public for a period of not less than five years, upon which no default in payment of principal or failure to pay the return fixed, has occurred for a continuous immediately preceding of five years.

[Sic]

(k) Stocks or bonds of corporations organized and existing under and by virtue of the laws of the Territory of Hawaii, which corporations were so organized and existing on the first day of January, 1931.

SECTION 5. Exempt Transactions. Except as hereinafter expressly provided, the provisions of this act shall not apply to the sale of any security in any of the following transactions:

(a) At any judicial, executor's, administrator's, guardian's or conservator's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy.

(b) By or for the account of a pledge holder or mortgagee selling or offering for sale or delivery in the ordinary course of business and not for the purpose of avoiding the provisions of this Act, to liquidate a bona fide debt, a security pledged in good faith as security for such debt.

(c) An isolated transaction in which any security is sold, offered for sale, subscription or delivery by the owner thereof, or by his representative for the owner's account, such sale or offer for sale, subscription or delivery not being made in the course of repeated and successive transactions of a like character by such owner, or on his account by such representative, and such owner or representative not being the underwriter of such security.

(d) The distribution by a corporation, actively engaged in the business authorized by its charter, of securities to its stockholders or other securities holders as a stock dividend or other distribution out of earnings or surplus; or the issuance of securities to the security holders or other creditors of a corporation in the process of a bona fide reorganization of such corporation made in good faith and not for the purpose of avoiding the provisions of this act, either in exchange for the securities of such security holders or claims of such creditors or partly for cash and partly in exchange for the securities or claims of such security holders or creditors; or the issuance of additional capital stock of a corporation sold or distributed by it among its own stockholders exclusively, where no commission or other remuneration is paid or given directly or indirectly in connection with the sale or distribution of such increased capital stock.

(e) The sale, transfer or delivery of any securities to any bank, savings institution, trust company, insurance company or to any corporation or to any broker or dealer; provided, that such broker or dealer is actually engaged in buying and selling securities as a business.

(f) The transfer or exchange by one corporation to another corporation of their own securities in connection with a consolidation or merger of such corporations.

(g) Bonds or notes secured by mortgage upon real estate or tangible personal property where the entire mortgage together with all of the bonds or notes secured thereby are sold to a single purchaser at a single sale.

(h) The issue and delivery of any security in exchange for any other security of the same issuer pursuant to a right of conversion entitling the holder of the security surrendered in exchange to make such conversion, provided that the security so surrendered has been registered under the law or was, when sold, exempt from the provisions of the law and that the security issued and delivered in exchange if sold at the conversion price would at the time of such conversion fall within the class of securities entitled to registration by notification under the law. Upon such conversion the par value of the security surrendered in such exchange shall be deemed the price at which the securities issued and delivered in such exchange are sold.

(i) Subscriptions for shares of the capital stock of a corporation prior to the incorporation thereof under the laws of this Territory, when no expense is incurred, or no commission, compensation or remuneration is paid or given for or in connection with the sale or disposition of such securities.

SECTION 6. Registration of Securities. No securities except of a class exempt under any of the provisions of Section 4 hereof or unless sold in any transaction exempt under any of the provisions of Section 5 hereof shall be sold within this Territory unless such securities shall have been registered by notification or by qualification as hereinafter defined. Registration of stock shall be deemed to include the registration of rights to subscribe to such stock if the notice under Section 7 or the application under Section 8 for registration of such stock includes a statement that such rights are to be issued. A record of the registration of securities shall be kept in a Register of Securities to be kept in the office of the Commissioner in which Register of Securities shall also be recorded any orders entered by the Commissioner with respect to such securities. Such register, and all information with respect to the securities registered therein shall be open to public inspection.

SECTION 7. Registration by Notification.

I. Securities entitled to Registration by Notification.

The following classes of securities shall be entitled to registration by notification in the manner provided in this section:

(1) Securities issued by a corporation, partnership, association, company, syndicate or trust owning a property, business or industry which has been in continuous operation not less than three years and which has shown during a period of not less than two years or more than ten years next prior to the close of its last fiscal year preceding the offering of such securities, average annual

net earnings, after deducting all prior charges not including the charges upon securities to be retired out of the proceeds of sale, as follows:

(a) In the case of interest-bearing securities, not less than one and one-half times the annual interest charge thereon and upon all other outstanding interest-bearing obligations of equal rank.

(b) In the case of preferred stock, not less than one and one-half times the annual dividend requirements on such preferred stock and on all other outstanding stock of equal rank.

(c) In the case of common stock not less than five per centum upon all outstanding common stock of equal rank, together with the amount of common stock then offered for sale reckoned upon the price at which such stock is then offered for sale or sold.

The ownership by a corporation, partnership, association, company, syndicate or trust of more than fifty per centum of the outstanding voting stock of a corporation shall be construed as the proportionate ownership of the property, business or industry of such corporation, and shall permit the inclusion of the earnings of such corporation applicable to the payment of dividends upon the stock so owned in the earnings of the corporation, partnership, association, company, syndicate or trust issuing the securities sought to be registered by notification.

(2) Bonds or notes secured by first mortgage upon real estate leased to a corporation for a term of years at a net rental sufficient to pay the interest and to retire the principal of all bonds or notes secured by said mortgage during the term of the lease, where the lease is irrevocable and is pledged under the mortgage securing said bonds or notes, provided any class of stock of the lessee is exempt under any of the provisions of Section 4 except clause (e) and clause (i) thereof or will fall within subdivision (1) of this Section 7.

(3) Bonds or notes secured by first mortgage on real estate in any state or territory of the United States or in the District of Columbia or in the Dominion of Canada where such real estate consists of agricultural lands used and valuable for agricultural purposes (not including oil, gas or mining property) and where the aggregate face value of the bonds or notes, not including interest notes or coupons, secured on such property does not exceed seventy per centum of the then fair market value of said lands plus sixty per centum of the insured value of any improvements thereon.

(4) Bonds or notes secured by first mortgage on real estate in any state or territory of the United States or in the District of Columbia or in the Dominion of Canada where such real estate consists of improved city, town or village property and where the aggregate face value of such bonds or notes, not including interest notes or coupons, secured on such property does not exceed seventy per centum of the then fair market value of said property, including any improvements appurtenant thereto, and when said property is used principally to produce through rental a net annual income, after deducting operating expenses and taxes, or has a fair rental value after deducting operating expenses and taxes at least equal to the annual interest plus not less than three per centum of the principal of said mortgage indebtedness.

(5) Bonds or notes secured by a mortgage constituting a first lien on a leasehold or real estate in any state or territory of the United States or in the District of Columbia where such real estate consists of improved city, town or village property and where the aggregate face value of such bonds or notes, not including interest notes or coupons, secured by such first mortgage does not exceed seventy per centum of the then fair market value of said leasehold and when said property is so used as to produce through rental a net annual income after deducting operating expenses and taxes, or has a fair rental value after deducting operating expenses and taxes, at least equal to the annual interest plus not less than three per centum of the principal of said mortgage indebtedness; provided, all advertisements, circulars and letters advertising the sale of said bonds or notes, and all receipts of payments therefor, and said bonds and notes shall bear in bold type not less than eighteen point upon the face thereof a legend stating that said bonds or notes are secured by mortgage on a leasehold, and all other written or printed offerings shall contain a statement to the same effect.

(6) Bonds or notes secured by a first mortgage upon real estate in any state or territory of the United States or in the District of Columbia:

(a) where the mortgage is a first mortgage upon city, town or village real estate, or leaseholds, upon which real estate or leaseholds a building or buildings is or are about in good faith forthwith to be erected according to the expressed terms of the mortgage;

(b) and where reasonably adequate provision has been made for financing the full completion of said building clear of any lien superior to said mortgage;

(c) and where the aggregate face value of the bonds or notes, not including interest notes or coupons, secured by such first mortgage does not exceed seventy per centum of the fair market value of such mortgaged property, including the building or buildings to be erected thereon as aforesaid;

(d) and where said mortgaged property is to be used principally to produce through rental a net annual income, after deducting operating expenses and taxes, or will have a fair rental value, after deducting operating expenses and taxes, at least equal to the annual interest plus not less than three per centum of the principal of said mortgage indebtedness;

Provided, that all advertisements, circulars and letters advertising the sale of said bonds or notes and all receipts of payments therefor shall bear in bold type not less than eighteen point upon the face thereof a legend stating that said bonds or notes are construction bonds or notes, and all other written or printed offerings of said bonds or notes shall bear a statement to the like effect:

And provided further, that where said bonds or notes are secured wholly or partly by first mortgage on leaseholds, the value of such leaseholds is required to meet the ratio of property value to face value obligations above in this subsection provided, and all advertisements, circulars and letters advertising the sale of said bonds or notes, and all receipts of payments therefor, and said bonds and notes shall bear in bold type not less than eighteen point upon the face thereof a legend stating that said bonds or notes are secured wholly or partly by mortgage on a leasehold as the case may be, and all other written or printed offerings of said bonds or notes shall contain a statement to the same effect.

(7) Bonds or notes secured by first lien on collateral pledged as security for such bonds or notes with a bank or trust company as trustee, which bank or trust company is incorporated under the laws of and subject to examination and supervision by the United States or by a state or territory of the United States, which collateral shall consist of one or more of the following: (a) a principal amount of first mortgage bonds or notes conforming to the requirements of any one or more of Subsections (2), (3), (4), (5) and (6) of this section 7; (b) a principal amount of obligations secured as hereinafter in this subsection provided; (c) a principal amount of obligations of the United States; (d) cash; the aggregate to be not less than one hundred per centum of the aggregate principal amount of all bonds or notes secured thereby. The portion of such collateral referred to in clause (b) shall consist of obligations secured by a first lien on a principal amount of first mortgage bonds or notes conforming to the requirements of any

one or more of Subsections (2), (3), (4), (5) and (6) of this Section 7, or a principal amount of obligations of the United States or cash equal to not less than one hundred per centum of the aggregate principal amount of such obligations so secured thereby, and all such pledged securities including cash so securing such obligations shall have been deposited with a bank or trust company as trustee, which bank or trust company is incorporated under the laws of and subject to examination and supervision by the United States or by a state or territory of the United States.

(8) The Commissioner shall have the power and authority to receive registration by notification of other securities which are substantially of the same quality and description as one or more of the specific classes above named, although not specifically heretofore described.

II. Procedure for Registration by Notification. Securities entitled to registration by notification shall be registered by the filing by the issuer or by any registered dealer interested in the sale thereof in the office of the Commissioner of a statement with respect to such securities containing the following:

(a) Name of issuer, location and, if incorporated, place of incorporation.

(b) A brief description of the security including amount of the issue.

(c) Amount of securities to be offered in the Territory.

(d) A brief statement of the facts which show that the security falls within one of the classes in this section defined.

(e) The price at which the securities are to be offered for sale to the public.

In the case of securities falling within the class defined by Subsections (1) or (2), a copy of the circular to be used for the public offering shall be filed in the office of the Commissioner with the statement or within two days thereafter or within such further time as the Commissioner shall allow.

In the case of securities falling within the classes defined by Subsections (3), (4), (5), (6) and (7), the circular to be used for the public offering shall be filed with the statement.

The filing of such statement in the office of the Commissioner and the payment of the fee hereinafter provided shall constitute the registration of such security. Upon such registration, such securities may be sold in this territory by any registered dealer

giving notice in the manner hereinafter provided in Section II. subject, however, to the further order of the Commissioner as hereinafter provided.

If, at any time in the opinion of the Commissioner, the information contained in the statement or circular filed is or has become misleading, incorrect, inadequate or incomplete, or the sale or offering for sale of the security may work or tend to work a fraud, the Commissioner may require from the person filing such statement such further information as may in his judgment be necessary to establish the classification of such security as claimed in said statement or to enable the Commissioner to ascertain whether the registration of such security should be revoked on any ground specified in Section 10, and the Commissioner may also suspend the right to sell such security pending further investigation by entering an order specifying the grounds for such action, and by notifying by mail, or personally, or by telephone confirmed in writing, or by telegraph, the person filing such statement and every registered dealer who shall have notified the Commissioner of an intention to sell such security. The refusal to furnish information required by the Commissioner within a reasonable time to be fixed by the Commissioner may be a proper ground for the entry of such order of suspension. Upon the entry of any such order of suspension no further sales of such security shall be made until the further order of the Commissioner.

In the event of the entry of such order of suspension the Commissioner shall upon request give a prompt hearing to the parties interested. If no hearing is requested within a period of twenty days from the entry of such order, or if upon such hearing the Commissioner shall determine that any such security does not fall within a class entitled to registration under this section, or that the sale thereof should be revoked on any ground specified in Section 10, he shall enter a final order prohibiting sales of such security, with his findings with respect thereto, provided that if the finding with respect to such security is that it is not entitled to registration under this section, the applicant may apply for registration by qualification by complying with the requirements of Section 8. Until the entry of such final order the suspension of the right to sell, though binding upon the persons notified thereof, shall be deemed confidential, and shall not be published, unless it shall appear that the order of suspension has been violated after notice. Appeals from such final order may be taken as hereinafter provided. If, however, upon such hearing, the Commissioner shall find that the security is entitled to registration under this section, and that its sale will neither be fraudulent nor result in fraud, he shall forthwith enter an order revoking such order of suspension

and such security shall be restored to its status as a security registered under this section, as of the date of such order of suspension.

At the time of filing the statement, as hereinbefore prescribed in this section, the applicant shall pay to the Commissioner a fee of one-twentieth of one percentum of the aggregate par value of the securities to be sold in this Territory for which the applicant is seeking registration, but in no case shall such fee be more than \$100. In case of stock having no par value, the price at which such stock is to be offered to the public, shall be deemed to be the par value of such stock.

SECTION 8. Registration by Qualification. All securities required by this act to be registered before being sold in this Territory, and not entitled to registration by notification shall be registered only by qualification in the manner provided by this section.

The Commissioner shall receive and act upon applications to have securities registered by qualification, and may prescribe forms on which he may require such applications to be submitted. Applications shall be in writing and shall be duly signed by the applicant and sworn to by any person having knowledge of the facts, and filed in the office of the Commissioner and may be made either by the issuer of the securities for which registration is applied or by any registered dealer desiring to sell the same within the Territory.

The Commissioner may require the applicant to submit to the Commissioner the following information respecting the issuer and such other relevant information as the Commissioner may in his judgment deem necessary to enable him to ascertain whether such securities shall be registered pursuant to the provisions of this section:

(a) The names and addresses of the directors, trustees and officers, if the issuer be a corporation or association or trust; of all partners, if the issuer be a partnership, and of the issuer, if the issuer be an individual.

(b) The location of the issuer's principal business office and of its principal office in this Territory, if any.

(c) The purposes of incorporation (if incorporated) and the general character of the business actually to be transacted by the issuer, and the purposes of the proposed issue.

(d) A statement of the capitalization of the issuer; a balance sheet showing the amount and general character of its assets and liabilities on a day not more than sixty days prior to the date of

filing such balance sheet; a detailed statement of the plan upon which the issuer proposes to transact business; a copy of the security for the registration of which application is made and a copy of any circular, prospectus, advertisement or other description of such securities then prepared by or for such issuer or by or for such applicant (if the applicant shall not be the issuer) to be used for distribution or publication in this Territory.

(e) A statement of the amount of the issuer's income, expenses, and fixed charges during the last fiscal year, or if in actual business less than one year, then for such time as the issuer has been in actual business.

(f) A statement showing the price at which such security is proposed to be sold, together with the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities.

(g) A detailed statement showing the items of cash, property, services, patents, good will and any other consideration for which such securities have been or are to be issued in payment.

(h) The amount of capital stock which is to be set aside and disposed of as promotion stock, and a statement of all stock issued from time to time as promotion stock.

(i) If the issuer is a corporation, there shall be filed with the application a certified copy of its articles of incorporation with all amendments and of its existing by-laws, if not already on file in the office of the Commissioner or of the Treasurer of this Territory. If the issuer is a trustee there shall be filed with the application a copy of all instruments by which the trust is created or declared and in which it is accepted and acknowledged. If the issuer is a partnership or an unincorporated association, or joint stock company, or any other form of organization whatsoever, there shall be filed with the application a copy of its articles of partnership or association and all other papers pertaining to its organization, if not already on file in the office of the Commissioner or of the Treasurer of this Territory.

All of the statements, exhibits and documents of every kind required by the Commissioner under this section, except properly certified public documents, shall be verified by the oath of the applicant or of the issuer in such manner and form as may be required by the Commissioner.

With respect to securities required to be registered by qualification under the provisions of this section, the Commissioner may

by order duly recorded fix the maximum amount of commission or other form of remuneration to be paid in cash or otherwise, directly or indirectly, for or in connection with the sale or offering for sale of such securities in this Territory.

At the time of filing the information, as hereinbefore prescribed in this section, the applicant shall pay to the Commissioner a fee of one-tenth of one per cent of the aggregate par value of the securities to be sold in this Territory, for which the applicant is seeking registration, but in no case shall such fee be less than \$20 or more than \$200. In case of stock having no par value the price at which such stock is to be offered to the public shall be deemed to be the par value of such stock.

If upon examination of any application the Commissioner shall find that the sale of the security referred to therein would not be fraudulent and would not work or tend to work a fraud upon the purchaser, and that the enterprise or business of the issuer is not based upon unsound business principles, he shall record the registration of such security in the Register of Securities, and thereupon such security so registered may be sold by the issuer or by any registered dealer who has notified the Commissioner of his intention so to do, in the manner hereinafter provided in Section 11 subject, however, to the further order of the Commissioner as hereinafter provided.

SECTION 9. Consent to Service. Upon any application for registration by notification under Section 7 made by an issuer and upon any application for registration by qualification under Section 8, whether made by an issuer or registered dealer, where the issuer is not domiciled in this Territory, there shall be filed with such application the irrevocable written consent of the issuer that in suits, proceedings and actions growing out of the violation of any provision of this act, the service on the Commissioner of any notice, process, or pleading therein, authorized by the laws of this Territory, shall be as valid and binding as if due service had been made on the issuer. Any such action shall be brought either in the circuit of the plaintiff's residence or in the circuit in which the Commissioner has his office. Said written consent shall be authenticated by the seal of said issuer, if it has a seal, and by the acknowledged signature of a member of the co-partnership or company, or by the acknowledged signature of any officer of the incorporated or unincorporated association, if it be an incorporated or unincorporated association, duly authorized by resolution of the board of directors, trustees or managers of the corporation or association, and shall in such case be accompanied by a duly certified copy of the resolution of the board of directors,

trustees or managers of the corporation or association, authorizing the officers to execute the same. In case any process or pleadings mentioned in this act are served upon the Commissioner it shall be by duplicate copies, one of which shall be filed in the office of the Commissioner and another immediately forwarded by the Commissioner by registered mail to the principal office of the issuer against which said process or pleadings are directed.

SECTION 10. Revocation of Registration of Securities. The Commissioner may revoke the registration of any security by entering an order to that effect, with his findings in respect thereto, if upon examination into the affairs of the issuer of such security it shall appear that the issuer:

- (1) is insolvent; or
- (2) has violated any of the provisions of this act or any order of the Commissioner of which such issuer has notice; or
- (3) has been or is engaged or is about to engage in fraudulent transactions; or
- (4) is in any other way dishonest or has made any fraudulent representations in any prospectus or in any circular or other literature that has been distributed concerning the issuer or its securities; or
- (5) is of bad business repute; or
- (6) does not conduct its business in accordance with law; or
- (7) that its affairs are in an unsound condition; or
- (8) that the enterprise or business of the issuer or the security is not based upon sound business principles.

In making such examination the Commissioner shall have access to and may compel the production of all the books and papers of such issuer, and may administer oaths to and examine the officers of such issuer or any other person connected therewith as to its business and affairs and may also require a balance sheet exhibiting the assets and liabilities of any such issuer or his income statement, or both, to be certified to by a public accountant either of this Territory or any state where the issuer's business is located, approved by the Commissioner.

Whenever the Commissioner may deem it necessary, he may also require such balance sheet or income statement, or both, to be made more specific in such particulars as the Commissioner shall point out or to be brought down to the latest practicable date.

If any issuer shall refuse to permit an examination to be made by the Commissioner it shall be proper ground for revocation of registration.

If the Commissioner shall deem it necessary he may enter an order suspending the right to sell securities pending any investigation provided that the order shall state the Commissioner's grounds for taking such action.

Notice of the entry of such order shall be given by mail, or personally, or by telephone confirmed in writing, or by telegraph to the issuer and every registered dealer who shall have notified the Commissioner of an intention to sell such security.

Before such order is made final, the issuer or dealer applying for registration shall on application be entitled to a hearing.

SECTION 11. Registration of Dealers and Salesmen. No dealer or salesman shall engage in business in this Territory as such dealer or salesman or sell any securities including securities exempted in Section 4 of this act, except in transactions exempt under Section 5 of this act, unless he has been registered as a dealer or salesman in the office of the Commissioner pursuant to the provisions of this section.

An application for registration in writing shall be filed in the office of the Commissioner in such form as the Commissioner may prescribe, duly verified by oath, which shall state the principal office of the applicant, wherever situated, and the location of the principal office and all branch offices in this Territory, if any, the name or style of doing business, the names, residence and business addresses of all persons interested in the business as principals, co-partners, officers and directors, specifying as to each his capacity and title, the general plan and character of business and the length of time the dealer has been engaged in business. The Commissioner may also require such additional information as to applicant's previous history, record and association, as he may deem necessary to establish the good repute in business of the applicant.

There shall be filed with such application an irrevocable written consent to the service of process upon the Commissioner in actions against such dealer in manner and form as hereinabove provided in Section 9.

If the Commissioner shall find that the applicant is of good repute and has complied with the provisions of this section including the payment of the fee hereinafter provided, he shall register such applicant as a dealer upon his filing a bond in the sum of five thousand dollars running to the Territory of Hawaii conditioned upon the faithful compliance with the provisions of this act by said dealer and by all salesmen registered by him while

acting for him. Such bond shall be executed as surety by a surety company authorized to do business in this Territory.

Provided, however, that no bond shall be required of or from any such applicant if said applicant, at the time of making his application, is a member of any recognized stock or bond exchange which has been in existence for a period of five (5) years prior to the date of approval of this Act.

Upon the written application of a registered dealer and general satisfactory showing as to good character and the payment of the proper fee the Commissioner shall register as salesmen of such dealer such natural persons as the dealer may request. Such registration shall cease upon the determination of the employment of such salesman by such dealer.

The names and addresses of all persons approved for registration as dealers or salesmen and all orders with respect thereto shall be recorded in a Register of Dealers and Salesmen kept in the office of the Commissioner which shall be open to public inspection. Every registration under this section shall expire on the 31st day of December in each year, but new registrations for the succeeding year shall be issued upon written application and upon payment of the fee as hereinafter provided, without filing of further statements or furnishing any further information unless specifically required by the Commissioner. Applications for renewals must be made not less than thirty nor more than sixty days before the first day of the ensuing year, otherwise they shall be treated as original applications. The fee for such registration and for each annual renewal shall be \$25 in the case of dealers and \$5 in the case of salesmen.

Provided, however, that no such fee for registration shall be charged or collected from any dealer or salesman where such dealer or salesman is required to pay and does pay to the Territory of Hawaii, or any municipal subdivision thereof, any license fee for following such vocation or occupation.

Changes in registration occasioned by changes in the personnel of a partnership or in the principals, co-partners, officers or directors of any dealer may be made from time to time by written application setting forth the facts with respect to such change.

Every registered dealer who intends to offer any security of any issue, registered or to be registered, shall notify the Commissioner in writing of his intention so to do. The notice shall contain the name of the dealer and shall state the name of the security to be offered for sale, and whenever a dealer shall have prepared such

notice and shall have forwarded the same by registered mail, postage prepaid and properly addressed to the Commissioner, such dealer, as to the contents of such notice and the filing thereof, shall be deemed to have complied with the requirements of this paragraph. Any issuer of a security required to be registered under the provisions of this act, selling such securities except in exempt transactions as defined in Section 5 hereof, shall be deemed a dealer within the meaning of this Section 11 and required to comply with all the provisions hereof.

SECTION 12. Revocation of Dealers' and Salesmen's Registration. Registration under Section 11 may be refused or any registration granted may be revoked by the Commissioner if after a reasonable notice and a hearing the Commissioner determines that such applicant or registrant so registered:

(1) Has violated any provision of this act or any regulation made hereunder; or

(2) Has made a material false statement in the application for registration; or

(3) Has been guilty of a fraudulent act in connection with any sale of securities, or has been or is engaged or is about to engage in making fictitious or pretended sales or purchases of any of such securities or has been or is engaged or is about to engage in any practice or sale of securities which is fraudulent or in violation of the law; or

(4) Has demonstrated his unworthiness to transact the business of dealer or salesman.

In cases of charges against a salesman notice thereof shall also be given the dealer employing such salesman.

Pending the hearing the Commissioner shall have the power to order the suspension of such dealer's or salesman's registration; provided, such order shall state the cause for such suspension.

Until the entry of a final order the suspension of such dealer's registration, though binding upon the persons notified thereof, shall be deemed confidential, and shall not be published, unless it shall appear that the order of suspension has been violated after notice.

In the event the Commissioner determines to refuse or revoke a registration as hereinabove provided, he shall enter a final order herein with his findings on the Register of Dealers and Salesmen; and suspension or revocation of the registration of a dealer shall also suspend or revoke the registration of all his salesmen.

It shall be sufficient cause for refusal or cancellation of registration in case of a partnership or corporation or any unincorporated association, if any member of a partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for refusing or revoking the registration of an individual dealer or salesman.

SECTION 13. Burden of Proof. It shall not be necessary to negative any of the exemptions in this act provided in any complaint, information, indictment or any other writ or proceedings laid or brought under this act and the burden of establishing the right to any such exemption shall be upon the party claiming the benefit of such exemption and any person claiming the right to register any securities by notification under Section 7 of this act shall also have the burden of establishing the right so to register such securities.

SECTION 14. Escrow Agreement. If the statement containing information as to securities to be registered, as provided for in Section 8 of this act, shall disclose that any such securities or any securities senior thereto shall have been or shall be intended to be issued for any patent right, copyright, trademark, process, formula or good will, or for organization or promotion fees or expenses or for good will or going concern value or other intangible assets, the amount and nature thereof shall be fully set forth and the Commissioner may require that such securities so issued in payment of such patent right, copyright, trademark, process, formula or good will, or for organization or promotion fees or expenses, or for other intangible assets shall be delivered in escrow to the Commissioner or other depository satisfactory to the Commissioner under an escrow agreement that the owners of such securities shall not be entitled to withdraw such securities from escrow until all other stockholders who have paid for their stock in cash shall have been paid a dividend or dividends aggregating not less than six per cent, shown to the satisfaction of said Commissioner to have been actually earned on the investment in any common stock so held; and in case of dissolution or insolvency during the time such securities are held in escrow, that the owners of such securities shall not participate in the assets until after the owners of all other securities shall have been paid in full.

SECTION 15. Injunctions. Whenever it shall appear to the Commissioner, either upon complaint or otherwise, that in the issuance, sale, promotion, negotiation, advertisement, or distribution of any securities within this Territory, including any security exempted under the provisions of Section 4, and including any

transaction exempted under the provisions of Section 5, any person, as defined in this act:

(1) shall have employed or employs, or is about to employ any device, scheme or artifice to defraud or for obtaining money or property by means of any false pretense, representation or promise;

(2) or that any such person shall have made, makes or attempts to make in this Territory fictitious or pretended purchases or sales of securities;

(3) or shall have engaged in or engages in or is about to engage in any practice or transaction or course of business relating to the purchase or sale of securities

(a) which is in violation of law

(b) or which is fraudulent

(c) or which has operated or which would operate as a fraud upon the purchaser;

any one or all of which devices, schemes, artifices, fictitious or pretended purchases or sales of securities, practices transactions and courses of business are hereby declared to be and are hereinafter referred to as fraudulent practices:

[Sic]

(4) or that any person is acting as dealer or salesman within this Territory without being duly registered as such dealer or salesman as provided in this Act; the Commissioner may investigate, and whenever he shall believe from evidence satisfactory to him;

(a) that any such person has engaged in, is engaged or is about to engage in any of the practices or transactions hereinbefore referred to as and declared to be fraudulent practices;

(b) or is selling or offering for sale any securities in violation of this act or is acting as a dealer or salesman without being duly registered as provided in this act;

the Commissioner may, in addition to any other remedies, bring action in the name and on behalf of the Territory of Hawaii against such person and any other person or persons concerned in or in any way participating in or about to participate in such fraudulent practices or acting in violation of this act, to enjoin such person and such other person or persons from continuing such fraudulent practices or engaging therein or doing any act or acts in furtherance thereof or in violation of this act. In any such court proceedings the Commissioner may apply for and on due showing be entitled to have issued the court's subpoena requiring forthwith the appearance of any defendant and his employees,

salesmen or agents and the production of documents, books and records as may appear necessary for the hearing of such petition, to testify and give evidence concerning the acts or conduct or things complained of in such application for injunction. In such action the equity courts shall have jurisdiction of the subject-matter and a judgment may be entered awarding such injunction as may be proper.

SECTION 16. Remedies. (1) Every sale made in violation of any of the provisions of this act shall be voidable at the election of the purchaser; and the person making such sale and every director, officer or agent of or for such seller, if such director, officer or agent shall have personally participated or aided in any way in making such sale shall be jointly and severally liable to such purchaser in an action at law in any court of competent jurisdiction upon tender of the securities sold or of the contract made for the full amount paid by such purchaser, with interest, together with all taxable court costs (and reasonable attorney's fees); provided, that no action shall be brought for the recovery of the purchase price after two years from the date of such sale and provided further, that no purchaser otherwise entitled shall claim or have the benefit of this section who shall have refused or failed within thirty days from the date thereof to accept an offer in writing of the seller to take back the security in question and to refund the full amount paid by such purchaser, together with interest on such amount for the period from the date of payment by such purchaser down to the date of repayment, such interest to be computed;

(a) In case such securities consist of interest-bearing obligations at the same rate as provided in such obligations; and

(b) In case such securities consist of other than interest-bearing obligations at the rate of six per centum per annum; less, in every case, the amount of any income from said securities that may have been received by such purchaser.

(2) Any person having a right of action against a dealer or salesman under this section shall have a right of action under the bond provided in Section 11.

(3) A registration by notification made in good faith and after the Commissioner, on application, shall have given tentative consent to such registration, shall not, as to sales made prior to revocation of such registration, result in the liabilities prescribed in this section, although the securities may not be entitled to such registration.

SECTION 17. Penalty. Whoever violates any provision of this act shall be punished by a fine of not more than Five Thousand Dollars or by imprisonment for not more than three years, or by both such fine and imprisonment; but an affirmative showing that an act or omission which constituted a violation occurred in good faith and on reasonable grounds for believing it not to be a violation, shall relieve from the penalty prescribed in this section.

SECTION 18. Statutory or Common Law Remedies. Nothing in this act shall limit any statutory or common law right of any person to bring any action in any court for any act involved in the sale of securities, or the right of the Territory to punish any person for any violation of any law.

SECTION 19. Appeals. An appeal may be taken by any person interested from any final order of the Commissioner to the Circuit Court of the First Judicial Circuit by serving upon the Commissioner within twenty days after notice of the entry of such order a written notice of such appeal stating the grounds upon which a reversal of such final order is sought; a demand in writing for a certified transcript of the record and of all papers on file in his office affecting or relating to such order and executing a bond in the penal sum of One Thousand Dollars to this Territory, with sufficient surety, to be approved by the Commissioner or the Court, conditioned upon the faithful prosecution of such appeal to final judgment, and the payment of all such costs as shall be adjudged against the appellant. Thereupon the Commissioner shall within ten days make, certify and file with the Clerk of said Court such a transcript, or in lieu thereof the original papers if the Court shall so order; and the appellant shall within five days thereafter file the same and a copy of the notice of appeal with the Clerk of said Court, which said notice of appeal shall stand as appellant's complaint and thereupon said cause shall be entered on the trial calendar of said Court for trial *de novo* and may be given precedence by the Court over other matters pending in said Court. The Court shall receive and consider evidence, whether oral or documentary, concerning the order of the Commissioner from whom the appeal is taken. If the order of the Commissioner shall be reversed said Court shall by its mandate specifically direct said Commissioner as to his further action in the matter, including the making and entering of any order or orders in connection therewith, and the conditions, limitations or restrictions to be therein contained, provided that the Commissioner shall not thereby be barred from thereafter revoking or altering such order for any proper cause which may thereafter accrue or be discovered. If said order shall be affirmed, said appellant shall not be barred after

thirty days from filing a new application provided such application is not otherwise barred or limited. Such appeal shall not in anywise suspend the operation of the order appealed from during the pendency of such appeal unless upon proper order of the Court. An appeal may be taken from the judgment of said Circuit Court on any such appeal on the same terms and conditions as an appeal is taken in equity actions.

SECTION 20. Validity of Portions of Act. If any provision of this act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this act, or the application of such provision to person or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SECTION 21. Uniformity of Interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those jurisdictions which enact it.

SECTION 22. Short Title. This Act may be cited as the Uniform Sale of Securities Act.

SECTION 23. Repeal. (a) Chapters 196 and 197 of the Revised Laws of Hawaii 1925, and all laws and clauses of laws in conflict with this act, are hereby repealed, to take effect upon the day this act goes into force, subject to the limitations, provided in subdivisions (b), (c) and (d).

(b) The provisions of all laws which are repealed by this act shall remain in force for the prosecution and punishment of any person who, before the effective date of this act, shall have violated the provisions of any law in force at the time of such violation, and such person may be prosecuted and punished under the law as it existed when such violation occurred.

(c) In the case of sales, contracts, or agreements made prior to the effective date of this act, the civil rights and liabilities of the parties thereto shall remain as provided by the law as it existed at the time such sales, contracts or agreements were made and all parts of laws repealed by this act shall remain in force for the enforcement of such rights and liabilities.

(d) All securities which shall have been admitted to record and recorded in the register of qualified securities, as heretofore provided by law, prior to the effective date of this act, shall be legally salable unless otherwise ordered by the Commissioner under this act.

SECTION 24. Time of taking effect. This act shall take effect on July 1, 1931.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 253

[H. B. No. 302]

AN ACT APPROPRIATING SEVEN THOUSAND TWO HUNDRED DOLLARS (\$7,200.00) FOR PIPE LINE AND TANKS, LANIKAPU TO KAWAIIHAE, HAWAII, AND FOR RIGHTS-OF-WAY AND SITES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of seven thousand two hundred dollars (\$7,200.00) is hereby appropriated out of the funds designated as "Kahei House Lots" and "Waimea House Lots", to be added to the fifteen thousand dollars (\$15,000.00) available to the County of Hawaii under item 8 of Act 242 of the Session Laws of 1929, for pipe line and tanks, Lanikapu to Kawaihae, South Kohala, County of Hawaii, and for the acquisition of the necessary rights-of-way and tank sites. The board of supervisors of the County of Hawaii is hereby directed to make the said sum of fifteen thousand dollars (\$15,000.00) available for the purpose of carrying out the Lanikapu-Kawaihae pipe line and tank project as provided for in said Act 242, Session Laws of 1929.

SECTION 2. The said sum of seven thousand two hundred dollars (\$7,200.00) shall be disbursed on warrants drawn by the auditor of the Territory of Hawaii, based on vouchers approved by the commissioner of public lands, and may be expended immediately it is available.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 254

[H. B. No. 303]

AN ACT APPROPRIATING THE SUM OF NINE THOUSAND FIVE HUNDRED DOLLARS (\$9,500.00) FOR THE REPLACEMENT AND EXTENSION OF A PIPE LINE TO AND THROUGH THE WAIMEA HOUSE LOTS, WAIMEA, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of nine thousand five hundred dollars (\$9,500.00) is hereby appropriated out of any moneys in the treasury of the Territory of Hawaii received from the sale of homestead lands on the Island of Hawaii for the replacement and extension of a pipe line to and through the Waimea House Lots, Waimea, County of Hawaii.

SECTION 2. The sum hereby appropriated shall be disbursed on warrants drawn by the auditor based on vouchers approved by the commissioner of public lands, who shall have charge of the replacement and extension of said pipe line.

SECTION 3. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 255

[H. B. No. 341]

AN ACT TO AMEND SECTION 17 OF ACT 145 OF THE SESSION LAWS OF 1929, RELATING TO THE OCCUPATION OF HAIRDRESSERS, COSMETICIANS AND COSMETOLOGISTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 17 of Act 145 of the Session Laws of 1929, is hereby amended by adding at the end thereof the following proviso:

"Provided further that if the applicant has been actively engaged in the practice of any of the occupations herein referred to in any state, territory or country for a continuous period of three years immediately preceding the date of the application or the

date of applicant's departure from such state, territory or country, and the applicant is a person of good moral character then and in such case the board shall issue to such applicant a temporary license effective until the date of his examination at the first examination given subsequent to the issuance of said temporary license, authorizing said applicant to engage in the practice of any of the occupations herein referred to."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 256

[H. B. No. 346]

AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER WITHIN THE DISTRICTS OF NORTH KONA AND SOUTH KONA, ON THE ISLAND AND COUNTY OF HAWAII, TERRITORY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Franchise. L. C. Child, of Kailua, District of North Kona, County of Hawaii, Territory of Hawaii, his associates, successors and assigns, or such corporations as he may or they shall cause to be incorporated under the laws of the Territory of Hawaii (he or they being hereinafter referred to as "the association"), are hereby granted the right, authority and privilege to manufacture, sell, furnish and supply electric light, electric current, or electric power, in the Districts of North Kona and South Kona, on the Island of Hawaii, Territory of Hawaii, for lighting the streets, roads, public and private buildings, or for motive power, or for any other purpose which the association may deem advisable, and, from time to time for the term of fifty years, for the purposes herein mentioned, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution, or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said districts of North Kona and South Kona on said

Island of Hawaii, and to connect the said wires, lines and conductors with any manufactory, private or public buildings, lamps, lamp posts, or other structure or object and the place of source of supply.

SECTION 2. Rules and regulations. That the board of supervisors of the County of Hawaii is hereby authorized to make and from time to time change, amend, or add to reasonable rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary or proper for the public safety and welfare. If, at any time, the association, after reasonable notice given to it in writing, shall fail to observe or execute the rules and regulations hereinabove provided for relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and appliances, the board of supervisors of the County of Hawaii, after giving the association reasonable notice thereof in writing of its intention so to do, may proceed to enforce such rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus, and make such repairs as may be necessary to enforce such rules, and the actual cost thereof may be recovered from the association by the County of Hawaii.

SECTION 3. Poles not to interfere with streets. That all poles, lines, wires, cables, lamps, lamp posts, conductors, conduits and other apparatus constructed, maintained, or operated under, along, upon or over the streets, sidewalks, roads, squares, bridges, alleys and lanes in said Districts of North Kona and South Kona, shall be so constructed and maintained and operated by the association as not to interfere unnecessarily with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. Plant subject to inspection. That the entire plant, corporation books and accounts of the association shall at all times be subject to the inspection of the public utilities commission of the Territory of Hawaii and the treasurer of the County of Hawaii.

SECTION 5. Meters, charges, reasonableness, how determined. That the association shall have the right to maintain, operate, and use electric meters or other means of measuring electric light, power, or current supply from time to time and to locate the same at such places as may be deemed necessary for determining the

current supplied or to be supplied by the association. That the association shall have the right to charge, receive and collect from all consumers of electricity such reasonable prices as may, from time to time, be fixed and determined by the association, but such charge shall not at any time exceed such rate or rates as may be fixed from time to time by the public utilities commission of the Territory of Hawaii; provided, however, that the association shall have the right to charge, receive and collect, from each consumer of electricity, a minimum rate which shall be established by the public utilities commission without regard to the amount of power consumed; and provided, further, that should electricity be required of said association by the Territory of Hawaii, or the County of Hawaii, or any successor of either, or of any political subdivision thereof, for public purposes, said association shall charge therefor such rates as shall be fixed by the public utilities commission; and provided, further that this franchise and the association holding the same shall be subject, as to reasonableness of rates, prices, charges, and in all other respects, to the provisions of Chapter 132 of the Revised Laws of Hawaii 1925, creating a public utilities commission in said territory; reserving, however, to said association the right to appeal to the Supreme Court of Hawaii from every order of said commission as provided in said chapter.

SECTION 6. Extensions of lines. The public utilities commission of the Territory of Hawaii is hereby granted the power to order said association, its successors or assigns, to make extensions of its service lines, whenever it shall be made to appear that said extension is a public necessity and that the total plant of said association, including such extension or extensions, can be made to earn a reasonable profit on the cost and maintenance of same; provided that all orders of the public utilities commission herein provided for shall be subject to review by the courts of the territory as provided by law.

SECTION 7. Charges for making connections. That the association shall have the right to charge consumers or applicants for the use of electricity for one-half of the cost and expense of making connections between the nearest line of supply and the premises where the electricity is to be used, such cost and expense to include the price of all wires, poles, insulators and other materials and labor necessary to be used in making such connections, the reasonableness of such charges upon the application of any party in interest to be subject to the approval of the public utilities commission; provided, however, that the association shall not be required to make, construct and maintain said connections as aforesaid for supplying light or power, unless the applicant or applicants

for such light and power, if required, shall deposit in advance, with the association, a sum of money sufficient to pay one-half of the cost and expenses of making and constructing such connections and for current for a period of one month in advance.

That the association shall not be required to extend, construct or maintain its main lines beyond a distance of three hundred feet, unless there be an applicant for each three hundred feet of extension, or fraction thereof, and unless such applicant shall, in addition to the other requirements in this Act provided, agree to take, install and maintain five forty-watt lamps or one-horse power of power apparatus for not less than one year.

SECTION 8. Rights to acquire property, limits to. That the said association shall have the right to acquire, hold or take over, either by purchase or lease, property, both real, personal or mixed, and such other property as may be deemed necessary or essential for the proper conduct of its business, but said association shall not have the power or right to purchase the franchise and/or property of any other company of like nature, except with the approval of the public utilities commission.

SECTION 9. Power to borrow money and bonds. That the said association, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the association, shall have the power to borrow money and secure the payment thereof, with interest agreed upon, by mortgage of all or any part of its property and the franchise and privilege granted and obtained by virtue of this Act; or, if it be deemed advisable bonds may be issued, secured by deed of trust of such property as aforesaid, not to exceed sixty per centum of the actual value thereof, together with all future acquired property, as well as the income and receipts of the property from whatever sources derived, and in such form and under such terms as said association may deem advisable; provided, that nothing in this section contained shall operate to prevent said association from obtaining the usual business credits or making promissory notes without security; and provided, further, that the association shall not issue stock in excess of the amount paid to it in cash, or shall issue bonds at less than ninety per centum of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditures. No member of the association, or any assignee or successor of the same, and no stockholder or officer thereof shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, in the construction of any part of the works.

SECTION 10. Franchise not exclusive. That it is hereby expressly provided that nothing herein contained shall be construed to grant to the association an exclusive right to furnish, sell or supply current for light and power, and said association and the franchise, rights and privileges granted hereby shall be subject in all respects to such laws establishing a public utilities commission or any amendments thereof, and such other laws of a general nature as may be applicable from time to time to electric light and power plants or the companies operating them in the Territory of Hawaii, or the County of Hawaii, or its successor.

SECTION 11. Forfeiture of franchise. That if said association, its representatives, successors and assigns, shall fail or refuse to do or perform or comply with any of the provisions of this Act or of the laws of the Territory of Hawaii, and continues to refuse or fail to perform or comply therewith after reasonable notice given by the public utilities commission of the Territory of Hawaii to comply therewith, said public utilities commission may, with the consent of the governor, and of the attorney general cause proceedings to be instituted before any appropriate tribunal to have the franchise hereby granted and all rights and privileges accruing hereunder forfeited and declared null and void. And in case of a forfeiture of this franchise, the Territory of Hawaii and County of Hawaii, or any political subdivision thereof, shall have the right to purchase all the property of the association within the said districts of North Kona and South Kona, at the value thereof, such value to be determined as hereinafter provided; provided, that notice of such desire and intention to purchase is given to the association by the Territory of Hawaii, or the County of Hawaii, or any political subdivision thereof within sixty days after the forfeiture of this franchise.

SECTION 12. Rules to enforce rates. That the association shall have the right to enforce rates by discontinuing or cutting off the supply of electricity to any consumer who shall refuse to pay the amount due for electricity supplied by said association within such reasonable time as said association may, by general rules, fix for the payment of amounts due, and such discontinuance of service or supply of electricity shall not be a bar to or prejudice the rights of the association in any remedy or remedies now or which may hereafter be authorized by law for the recovery and collection of the amount due.

SECTION 13. Annual statement, payment to government. That the association shall, within one month after the expiration of each calendar year, file with the treasurer of the County of Hawaii a detailed statement showing all of its receipts and expenditures

during the preceding calendar year, and shall, at the time, pay to the treasurer of the said County of Hawaii, for and on behalf of said county, two and one-half per centum of the gross receipts of the association from all electric light or power furnished to consumers during the preceding year; and all its books, papers, records and accounts shall at all reasonable times be open to inspection by the treasurer of said county, and his respective agents appointed for such purpose.

SECTION 14. Exemption from taxation. That all property of every kind and nature, forming or used as a part of such electric system, including this franchise, shall be exempt, except as provided in Section 13, from any and all taxes under the Territory of Hawaii until the expiration of five years from and after the date of approval of this Act by the Congress of the United States.

SECTION 15. Time of commencing work. That the rights hereafter granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing, transmitting or supplying electric current for light and power, or by placing poles and wiring the same, or constructing conduits and laying wires therein, in any of the streets, roads or other places in said district, for the purpose of conducting electric current for light and power, within two years from and after the date of the approval of this Act by the Congress of the United States; and also if sufficient works are not completed and in operation to supply electric current for light and power, or if electric current for light and power be not supplied within two years after such commencement.

SECTION 16. Amendment and repeal of franchise. This franchise may, at any time, be amended or repealed by the Congress of the United States, or by the Legislature of the Territory of Hawaii, with the approval of the Congress of the United States.

SECTION 17. Issue and sale of stock. The association may, with the approval of and under the rules and regulations prescribed by the commission, increase its capital stock for capital expenditures by the issuance and sale of new common stock at a price not less than par; provided, however, that bonds or notes, the proceeds of which have been used for capital expenditures may be redeemed by capital stock of the association, as approved by the commission, at par to the amount of the proceeds received by the association from the sale of such bonds or notes.

SECTION 18. Purchase of all property of association. That the Territory of Hawaii, the County of Hawaii, or any political subdivision thereof may, at any time after the expiration of twenty

years from the date of the passage of this Act by the Congress of the United States, and upon six months' notice to the association in writing, given pursuant to proper authority when so authorized by the legislature of the Territory of Hawaii, acquire by purchase all of the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purpose shall be determined by the public utilities commission; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the franchise or good will, or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the Supreme Court the record of its proceedings, showing in such certificate the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents and evidence, and transcript of testimony upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal, the Supreme Court may, in its behalf, take or require or permit further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 19. Power of commission. The commission is hereby vested with power and jurisdiction by order to regulate, fix and change all rates, charges, classifications, rules and practices made, charged or observed by the company or association, the manner in which all property of the association is operated with reference to the safety or accommodation of the public, its form and method of keeping accounts, books and records, and its accounting system, the return upon its property, the incurring of indebtedness and the disposition of its proceeds and income, and to regulate all

of its financial transactions, its business relations with other persons, companies, or corporations, its compliance with all applicable territorial and federal laws and with the provisions of its franchise and articles of association, its classifications, rules, regulations, practices and service and all matters of every nature affecting the relations and transactions between it and the public and persons or corporations, and to do all things whether herein specifically designated or in addition thereto which are necessary and in the exercise of such power and jurisdiction, all of which as so ordered, regulated, fixed and changed shall be just and reasonable and such as shall provide a fair return on the property of the association actually used for public utility purposes, and such orders may be made after a hearing upon its own motion or upon complaint.

This section shall not be held or construed to be a limitation upon any power of the public utilities commission of the Territory of Hawaii under Chapter 132 of the Revised Laws of Hawaii 1925, creating a public utilities commission or any amendments thereto or any laws relating to public utilities in the Territory of Hawaii.

SECTION 20. This Act shall take effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval of Congress to be secured within four years from the date of such approval by the governor.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 257

[H. B. No. 383]

AN ACT TO AMEND SECTION 2132 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO SALARIES AND EXPENSES OF THE CIRCUIT COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That such portion of Section 2132 of the Revised Laws of Hawaii 1925, relating to expenses, circuit court, under the heading "Third Circuit Court", reading

"Court Expenses 6,500.00"
is hereby amended to read:
"Court Expenses 5,000.00".

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 258

[H. B. No. 385]

AN ACT TO AMEND SECTION 1 OF ACT 206 OF THE SESSION
LAWS OF 1929, RELATING TO THE CATCHING AND USE OF
THE FISH KNOWN AS NEHU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 1 of Act 206 of the Session Laws of 1929,
is hereby amended to read as follows:

"Section 1. All nehu caught or taken in or from any of the
waters within the jurisdiction of the Territory of Hawaii shall be
used only for bait purpose; provided, however, that citizens may
lawfully catch nehu for family consumption with a net not longer
than twenty (20) feet."

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 259

[H. B. No. 411]

AN ACT CREATING A SPECIAL REVOLVING FUND FOR, AND PROVIDING FOR THE AUGMENTATION OF, THE CAPTAIN JAMES COOK MEMORIAL COLLECTION IN THE ARCHIVES OF THE TERRITORY, MAKING CERTAIN PROVISIONS FOR PAYMENTS INTO AND EXPENDITURES FROM SAID FUND, AND ABOLISHING THE COOK SESQUICENTENNIAL COMMISSION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby created in the treasury of the territory a special revolving fund to be known as the "Captain Cook Memorial Fund". All moneys now in the treasury of the territory representing the proceeds of sales of the Captain Cook Sesquicentennial fifty-cent coins authorized by the Act of Congress of March 7, 1928 and/or representing the proceeds of sales of any books and/or other publications issued or published by or under the direction of the Cook Sesquicentennial Commission and/or the board of commissioners of public archives in commemoration of the one hundred fiftieth anniversary of the discovery of the Hawaiian Islands by Captain James Cook shall be transferred to said special fund. The board of commissioners of public archives is hereby authorized and empowered to purchase or otherwise acquire original books, mementos, pamphlets, documents and/or other articles of historical value relating to the life of Captain James Cook or connected with the history of the discovery of the Hawaiian Islands by Captain James Cook, and/or copies, facsimiles or replicas thereof and/or other data relating thereto, and to prepare and publish in its discretion books, documents, pamphlets or other publications relating thereto, and in its discretion to distribute free copies thereof to libraries, museums and other places of reference open to the public in the United States and/or in other countries, not to exceed, however, one-third of the number of copies of each published, and to sell the remaining copies at such reasonable prices as may be fixed by the commission, the proceeds of such sales to be paid into said special fund.

SECTION 2. All moneys in said special fund, and/or which may be paid into the same from the proceeds of sales made under the provisions of this Act, and/or which may be received by way of gift or otherwise for any of the purposes provided by this Act (the acceptance of such gifts and the receipt of such funds being hereby authorized) shall be expendable by the board of commis-

sioners of public archives from time to time for any of the purposes provided by this Act and any original historical documents or other articles, and/or copies, facsimiles or replicas thereof, collected under the provisions of this Act and copies of publications made under the provisions of this Act shall be deposited in the archives of Hawaii to constitute a collection to be known as the "Captain James Cook Memorial Collection."

SECTION 3. All acts heretofore performed by the Cook Sesquicentennial Commission and/or by the board of commissioners of public archives in connection with the establishment of a Captain Cook Memorial Collection in the archives of Hawaii or in connection with the minting and disposal of said Captain Cook Sesquicentennial fifty-cent coins or in connection with the preparation, publication, sale and other disposal, by them or either of them, of books and/or other publications relating to the life of Captain James Cook and/or to the discovery of the Hawaiian Islands by him and/or to the commemoration of the one hundred fiftieth anniversary of the discovery of said islands by him, are hereby ratified and confirmed in all respects.

SECTION 4. The Cook Sesquicentennial Commission provided for by Act 256 of the Session Laws of 1927 is hereby abolished and all funds or other property in the possession or custody of said commission are hereby transferred to the control of the board of commissioners of public archives.

SECTION 5. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 260

[H. B. No. 412]

AN ACT TO AMEND SECTION 1618 OF THE REVISED LAWS OF
HAWAII 1925, RELATING TO SALARIES OF COUNTY OFFICERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That such portion of Section 1618 of the Revised Laws of Hawaii 1925, relating to the salaries of the officers of the County of Hawaii, is hereby amended to read as follows:

County of Hawaii:

Deputy Sheriff of the District of South Hilo....\$3,600.00

SECTION 2. This Act shall take effect July 1, 1931.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 261

[H. B. No. 433]

AN ACT TO REIMBURSE DAVID HULIHEE AND JOHN J. CAMARA,
UNDER THE PROVISIONS OF SECTION 629 OF THE REVISED
LAWS OF HAWAII 1925, AS AMENDED, RELATING TO IN-
DEMNIFICATION FOR TUBERCULOUS ANIMALS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of one hundred dollars (\$100.00) is hereby appropriated out of such moneys as are provided for by Section 629 of the Revised Laws of Hawaii 1925, as amended, to reimburse David Hulihee and John J. Camara of Eleele, Kauai, for the indemnification of one pure-bred registered Holstein cow condemned and slaughtered on February 24, 1929, as a tuberculous animal under the provisions of this section, the claim for which, through inadvertance, the said David Hulihee and John J. Camara failed to file with the board of commissioners of agriculture and forestry, within the period covered by the biennial appropriations.

SECTION 2. This Act shall take effect upon its approval.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 262

[H. B. No. 7]

**AN ACT AUTHORIZING THE COUNTY OF MAUI TO ISSUE BONDS
FOR CERTAIN PERMANENT PUBLIC IMPROVEMENTS.***Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. The County of Maui is hereby authorized and empowered to issue, pursuant to and in accordance with Act 272, Session Laws of 1927, bonds in the sum of seven hundred twenty-two thousand dollars (\$722,000.00); said bonds to be serial bonds maturing in substantially equal annual installments, the first installment to mature in five years from the date of issue of such series, and the last installment not later than thirty years from such date of issue. The principal and interest of such bonds shall be paid, when due, out of the permanent improvement fund of the County of Maui.

SECTION 2. The moneys realized from the bond issue shall be expended for the following specific purposes in said County of Maui:

Kula Water Works and storage and/or developing new water sources	\$147,000.00
Wailuku-Kahului Water Works.....	110,000.00
Pipe Line lateral for Paia from Kamole.....	10,000.00
Kahului Sewer System.....	125,000.00
Pavement of Hamakuapoko Road from its western end at the point of its junction with the Paia- Haiku Government Road, eastward to the Maui High School	30,000.00
Construction of asphalt macadam roads from Koko- mo toward Haiku.....	100,000.00
Construction of asphalt macadam roads on the Island of Lanai	100,000.00
Construction of asphalt macadam roads on the Island of Molokai	100,000.00

SECTION 3. In case the amount specified in any item in Section 2 shall not be wholly required to complete the work on such item, the unrequired balance may, after completion of said item, be expended for the work specified in any of the other items in said section.

SECTION 4. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 263

[H. B. No. 46]

AN ACT AMENDING SECTION 312 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 103 OF THE SESSION LAWS OF 1927, RELATING TO PUBLIC INSTRUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 312 of the Revised Laws of Hawaii 1925, as amended by Act 103 of the Session Laws of 1927, is hereby amended to read as follows:

"Section 312. Tuition. There shall be no charge for tuition in any public school of the Territory of Hawaii, provided, however, that the department may, in its discretion, establish, maintain and/or discontinue standard schools without charge of any tuition fees for attendance; provided, however, that such standard schools shall be established only in places where free schools of the same grade for pupils within the compulsory age are readily accessible to the children of such district; and provided, further, that the department may authorize schools to levy, assess and collect special fees for the purpose of covering breakage, replacement of apparatus and supplies and the purchase of new equipment and supplies furnished by any school; provided, that for those subjects listed in the curricula of the junior and senior high schools as required by the department there shall be no 'fee' charged on or after September 1, 1931, and provided, further, that for those courses offered in the junior and senior high schools as electives, as prescribed by the department, fees may be collected for those courses sufficient to cover the cost of usage and purchase of equipment, supplies and materials used, provided, however, that no fees shall be levied, charged or collected against any pupil in any public school in the sixth grade or below in any prescribed course.

"Such fees shall be deposited in a separate fund by the said schools and expended by them under such rules and regulations as the department may prescribe."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 264

[H. B. No. 166]

AN ACT TO PROVIDE ADDITIONAL TAXATION FOR A CONTINUATION OF THE SEWER SYSTEM IN SOUTH HILO IN THE COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The tax assessor of the third taxation division shall, commencing January 1st of the year 1932 and each year thereafter for a period of ten (10) years, increase the tax rate on real and personal property in said taxation division over that provided in any other law to an extent sufficient to provide the annual sum of fifty thousand dollars (\$50,000.00), which shall, when collected, be paid to the treasurer of the County of Hawaii, and be held by him in a special fund, for the use, with other moneys made available by the board of supervisors and/or by the legislature of the Territory of Hawaii, for the construction of extensions to the sewer system in South Hilo, Island of Hawaii, and for any alterations in the present system necessitated by such extensions.

SECTION 2. All moneys available in the treasury of the County of Hawaii under this fund shall from time to time be appropriated and spent for the above purposes under the direction of the board of supervisors, according to law.

SECTION 3. This Act shall take effect from and after the date of its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 265

[H. B. No. 178]

AN ACT TO AMEND SECTION 2132 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACTS 137 AND 272 OF THE SESSION LAWS OF 1925, ACT 200 OF THE SESSION LAWS OF 1927, AND ACT 239 OF THE SESSION LAWS OF 1929, RELATING TO SALARIES AND EXPENSES OF THE CIRCUIT COURTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2132 of the Revised Laws of Hawaii 1925, as amended by Acts 137 and 272 of the Session Laws of 1925, Act 200 of the Session Laws of 1927, and Act 239 of the Session Laws of 1929, is hereby amended by adding under the heading "First Circuit Court", the following new item, to read:

	Per Month	Per Annum
"Stenographer, typist, card indexer, Chief Clerk's office.....	\$125.00	\$1,500.00";
and under the same heading, amend the items reading:		
"Assistant and archives clerk.....	250.00	3,000.00"
to read:		
"Assistant and archives clerk.....	275.00	3,300.00
"Indexer and typist, clerk's office.....	110.00	1,320.00"
to read:		
"Clerk, typist, record indexer, etc. clerk's office	140.00	1,680.00";
"Messenger and bailiff.....	110.00	1,320.00"
to read:		
"Messenger and bailiff and assistant record indexer	125.00	1,500.00";
"Other interpreters (to be paid by order of Court).....		2,500.00"
to read:		
"Other interpreters (to be paid by order of Court).....		3,000.00";
"Circuit court expenses, jury fees, etc.		40,000.00"
to read:		
"Circuit court expenses, jury fees, etc.		40,250.00";
and under the same heading, delete the items reading:		
"Japanese interpreter	200.00	2,400.00"
"Chinese interpreter	200.00	2,400.00";

and under the heading "Division of Domestic Relations" amend the items reading:

	Per Month	Per Annum
"Four (4) probation officers, (two of whom shall be women), each.....	190.00	9,120.00"

to read:

"Five (5) probation officers, (not less than two of whom shall be women), each	190.00	11,400.00";
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"Traveling expenses, automobile, probation officers, five (5) at \$50.00	250.00	3,000.00"
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to read:

"Traveling expenses, automobile, probation officers, six (6) at \$50.00	300.00	3,600.00";
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"Care of dependent children.....		18,000.00"
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to read:

"Care of dependent and delinquent children		20,000.00";
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and under the same heading, delete the items reading:

"Third assistant matron, Shelter Home	100.00	1,200.00"
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"Remodeling and repairing Shelter Home, King Street.....		10,000.00".
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SECTION 2. The amounts directed to be appropriated for court expenses by Section 2132 of the Revised Laws of Hawaii 1925, as heretofore and herein amended shall be appropriated by the respective boards of supervisors annually at the beginning of the fiscal year for the respective county or city and county and such appropriations shall be available for use at any time during said fiscal year until exhausted; provided, however, that the appropriations available to said respective circuit courts for the balance of the year 1931 shall be one-half of the annual appropriations directed to be made under the statutes existing prior to this Act plus one-half the annual increases or additions herein provided for which shall be appropriated and shall be available for use during the remainder of the year 1931.

SECTION 3. This Act shall take effect and be in force from and after July 1, 1931.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 266

[H. B. No. 189]

AN ACT TO AMEND SECTION 2182 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED BY ACT 19 OF THE SESSION LAWS OF 1931, RELATING TO SUNDAY MOVIES AND STAGE PRODUCTIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2182 of the Revised Laws of Hawaii 1925, as amended by Act 19 of the Session Laws of 1931, is hereby amended to read as follows:

"Section 2182. The boards of supervisors of the several counties and the City and County of Honolulu are authorized and empowered to provide by ordinance for the exhibiting of moving pictures of an educational or biblical character only on Sundays after the hour of 2:30 P. M., and legitimate stage play productions of an educational or biblical character only on Sundays after 6:30 P. M., under such restrictions as they may prescribe."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 267

[H. B. No. 194]

AN ACT TO PROVIDE FOR ENGINEERING AND TITLE INVESTIGATION WITH RESPECT TO THE PRACTICABILITY OF IMPROVING THE DRAINAGE OF THE KALIHI SECTION OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby appropriated out of any moneys in the general fund of the territory, not otherwise appropriated, the sum of five thousand dollars (\$5,000.00) for the purpose of conducting an engineering and title investigation relative to the improvement of the drainage of that certain portion of the City and County of Honolulu bounded on the Ewa side by the Fort Shafter reservation, on the Waikiki side by Kalihi Road and extending from the Koolau Range to the sea, said investigation to

have as its principal object the determination of the most practicable methods of ameliorating the effects of floods in the section and the estimating of the costs of carrying out such projects as may be found most practicable.

SECTION 2. The investigation shall be conducted under the direction of the superintendent of public works in any manner that he may direct and the moneys herein appropriated shall be expended under his authority.

SECTION 3. The superintendent of public works is hereby directed to submit a full report of the results of the investigation to the 1933 legislature.

SECTION 4. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 268

[H. B. No. 219]

AN ACT TO AUTHORIZE AND PROVIDE FOR THE MANUFACTURE, MAINTENANCE, DISTRIBUTION AND SUPPLY OF ELECTRIC CURRENT FOR LIGHT AND POWER WITHIN THE ISLAND OF MOLOKAI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. HOOLEHUA COMPANY, LIMITED, an Hawaiian corporation, its associates, successors and assigns, (it being hereafter referred to as "the association"), is hereby granted the right, authority and privilege to manufacture, sell, furnish and supply electric light, electric current, or electric power, on the Island of Molokai, Territory of Hawaii, for lighting the streets, roads, public and private buildings, or for motive power, or for any other purpose which the association may deem advisable, and from time to time for the term of fifty years, for the purposes herein mentioned, to construct, maintain and operate suitable poles, lines, wires, cables, lamps, lamp posts, conductors, conduits, and such other appliances and appurtenances as may from time to time be necessary for the transmission, distribution or supply of electricity to consumers thereof, under, along, upon and over the streets, sidewalks, roads, squares, bridges, alleys and lanes on said island,

and to connect the said wires, lines and conductors with any manufactory, private or public buildings, lamps, lamp posts, or other structure or object and the place of source of supply.

SECTION 2. Rules and regulations. That the board of supervisors of the County of Maui is hereby authorized to make and from time to time change, amend, or add to reasonable rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus, and generally concerning the manufacture and supply of electricity which may be necessary or proper for the public safety and welfare. If, at any time, the association, after reasonable notice given to it in writing, shall fail to observe or execute the rules and regulations hereinabove provided for relative to the placing of poles and wires, the insulation of wires and apparatus carrying electric current, and the repair of all poles and appliances, the board of supervisors of the County of Maui, after giving the association reasonable notice thereof in writing of its intention so to do, may proceed to enforce such rules regulating the placing of poles and wires, the insulation of wires and apparatus carrying electric current, the excavation of conduits, and the maintenance in good repair of all poles, wires and apparatus, and the actual cost thereof may be recovered from the association by the County of Maui.

SECTION 3. Poles not to interfere with streets. That all poles, lines, wires, cables, lamps, lamp posts, conductors, conduits and other apparatus constructed, maintained, or operated under, along, upon or over the streets, sidewalks, roads, squares, bridges, alleys and lanes on said island, shall be so constructed and maintained and operated by the association as not to interfere unnecessarily with the use of such streets, sidewalks, roads, squares, bridges, alleys and lanes by the public.

SECTION 4. Plant subject to inspection. That the entire plant, corporation books and accounts of the association shall at all times be subject to the inspection of the public utilities commission of the Territory of Hawaii and the treasurer of the County of Maui.

SECTION 5. Meters, charges, reasonableness, how determined. That the association shall have the right to maintain, operate, and use electric meters or other means of measuring electric light, power, or current supply from time to time and to locate the same at such places as may be deemed necessary for determining the current supplied or to be supplied by the association. That the association shall have the right to charge, receive and collect from all consumers of electricity such reasonable prices as may, from time to time, be fixed and determined by the association, but such

charge shall not at any time exceed such rate or rates as may be fixed from time to time by the public utilities commission of the Territory of Hawaii; provided, however, that the association shall have the right to charge, receive and collect, from each consumer of electricity, a minimum rate which shall be established by the public utilities commission without regard to the amount of power consumed; and provided, further, that should electricity be required of said association by the Territory of Hawaii, or the County of Maui, or any successor of either, or of any political subdivision thereof, for public purposes, said association shall charge therefor such rates as shall be fixed by the public utilities commission; and provided, further, that this franchise and the association holding the same shall be subject, as to reasonableness of rates, prices, charges, and in all other respects, to the provisions of Chapter 132 of the Revised Laws of Hawaii 1925, creating a public utilities commission in said territory; reserving, however, to said association the right to appeal to the supreme court of Hawaii from every order of said commission as provided in said chapter.

SECTION 6. Extensions of lines and charges for making connections. The public utilities commission of the Territory of Hawaii is hereby granted the power to order said association, its successors or assigns, to make extensions of its service lines, whenever it shall be made to appear that said extension is a public necessity and that the total plant of said association, including such extension or extensions, can be made to earn a reasonable profit on the cost and maintenance of same; provided, that all orders of the public utilities commission herein provided for shall be subject to review by the courts of the territory as provided by law.

SECTION 7. Charges for making connections. That the association shall have the right to charge consumers or applicants for the use of electricity for one-half of the cost and expense of making connections between the nearest line of supply and the premises where the electricity is to be used, such cost and expense to include the price of all wires, poles, insulators and other materials and labor necessary to be used in making such connections, the reasonableness of such charges upon the application of any party in interest to be subject to the approval of the public utilities commission; provided, however, that the association shall not be required to make, construct and maintain said connections as aforesaid for supplying light or power, unless the applicant or applicants for such light and power, if required, shall deposit in advance, with the association, a sum of money sufficient to pay one-half of the cost and expense of making and constructing such connections and for current for a period of one month in advance.

That the association shall not be required to extend, construct or maintain its main lines beyond a distance of three hundred feet, unless there be an applicant for each three hundred feet of extension, or fraction thereof, and unless such applicant shall, in addition to the other requirements in this Act provided, agree to take, install and maintain five forty-watt lamps or one-horse power of power apparatus for not less than one year.

SECTION 8. Rights to acquire property, limits to. That the said association shall have the right to acquire, hold or take over, either by purchase or lease, property, both real, personal or mixed, and such other property as may be deemed necessary or essential for the proper conduct of its business, but said association shall not have the power or right to purchase the franchise and/or property of any other company of like nature, except with the approval of the public utilities commission.

SECTION 9. Power to borrow money and bonds. That the said association, whenever from time to time it shall be deemed expedient in the furtherance of the objects of the association, shall have the power to borrow money and secure the payment thereof, with interest agreed upon, by mortgage of all or any part of its property and the franchise and privilege granted and obtained by virtue of this Act; or, if it be deemed advisable bonds may be issued, secured by deed of trust of such property as aforesaid, not to exceed sixty per centum of the actual value thereof, together with all future acquired property, as well as the income and receipts of the property from whatever sources derived, and in such form and under such terms as said association may deem advisable; provided, that nothing in this section contained shall operate to prevent said association from obtaining the usual business credits or making promissory notes without security; and provided, further, that the association shall not issue stock in excess of the amount paid to it in cash, or shall issue bonds at less than ninety per centum of their par value; and the entire proceeds of its stock and bonds shall be applied to capital expenditures. No member of the association, or any assignee or successor of the same, and no stockholder or officer thereof shall become interested, directly or indirectly, in any contract made by the association, its assignees or successors, in the construction of any part of the works.

SECTION 10. Franchise not exclusive. That it is hereby expressly provided that nothing herein contained shall be construed to grant to the association an exclusive right to furnish, sell or supply electric current for light and power, and said association and the franchise, rights and privileges granted hereby shall be subject in all respects to such laws establishing a public utilities

commission or any amendments thereof, and such other laws of a general nature as may be applicable from time to time to electric light and power plants or the companies operating them in the Territory of Hawaii, or the County of Maui, or its successor.

SECTION 11. Forfeiture of franchise. That if said association, its representatives, successors and assigns, shall fail or refuse to do or perform or comply with any of the provisions of this Act or of the laws of the Territory of Hawaii, and continues to refuse or fail to perform or comply therewith after reasonable notice given by the public utilities commission of the Territory of Hawaii to comply therewith, said public utilities commission may, with the consent of the governor, and of the attorney general cause proceedings to be instituted before any appropriate tribunal to have the franchise hereby granted and all rights and privileges accruing hereunder forfeited and declared null and void. And in case of a forfeiture of this franchise, the Territory of Hawaii and County of Maui, or any political subdivision thereof, shall have the right to purchase all the property of the association within the said Island of Molokai, at the value thereof, such value to be determined as hereinafter provided; provided, that notice of such desire and intention to purchase is given to the association by the Territory of Hawaii, or the County of Maui, or any political subdivision thereof within sixty days after the forfeiture of this franchise.

SECTION 12. Rules to enforce rates. That the association shall have the right to enforce rates by discontinuing or cutting off the supply of electricity to any consumer who shall refuse to pay the amount due for electricity supplied by said association within such reasonable time as said association may, by general rules, fix for the payment of amounts due, and such discontinuance of service or supply of electricity shall not be a bar to or prejudice the rights of the association in any remedy or remedies now or which may hereafter be authorized by law for the recovery and collection of the amount due.

SECTION 13. Annual statement, payment to government. That the association shall, within one month after the expiration of each calendar year, file with the treasurer of the County of Maui, a detailed statement showing all of its receipts and expenditures during the preceding calendar year, and shall, at the time, pay to the treasurer of said County of Maui, for and on behalf of said county, two and one-half per centum of the gross receipts of the association from all electric light or power furnished to consumers during the preceding year; and all its books, papers, records and accounts shall at all reasonable times be open to inspection by the

treasurer of said county, and his respective agents appointed for such purpose.

SECTION 14. Exemption from taxation. That all property of every kind and nature, forming or used as part of such electric system, including this franchise, shall be exempt, except as provided in Section 13, from any and all taxes under the Territory of Hawaii until the expiration of five years from and after the date of approval of this Act by the Congress of the United States.

SECTION 15. Time of commencing work. That the rights hereafter granted shall cease and determine if operations hereunder are not commenced by beginning the construction of buildings or other works for manufacturing, transmitting or supplying electric current for light and power, or by placing poles and wiring the same, or constructing conduits and laying wires therein, in any of the streets, roads or other places in said district, for the purpose of conducting electric current for light and power, within two years from and after the date of the approval of this Act by the Congress of the United States; and, also, if sufficient works are not completed and in operation to supply electric current for light and power, or if electric current for light and power be not supplied within two years after such commencement.

SECTION 16. Amendment and repeal of franchise. This franchise may, at any time, be amended or repealed by the Congress of the United States, or by the legislature of the Territory of Hawaii, with the approval of the Congress of the United States.

SECTION 17. Issue and sale of stock. The association may, with the approval of and under the rules and regulations prescribed by the commission, increase its capital stock for capital expenditures by the issuance and sale of new common stock at a price not less than par; provided, however, that bonds or notes, the proceeds of which have been used for capital expenditures may be redeemed by capital stock of the association as approved by the commission, at par to the amount of the proceeds received by the association from the sale of such bonds or notes.

SECTION 18. Purchase of all property of association. That the Territory of Hawaii, the County of Maui, or any political subdivision thereof may, at any time after the expiration of twenty years, from the date of the passage of this Act by the Congress of the United States, and upon six months' notice to the association in writing, given pursuant to proper authority when so authorized by the legislature of the Territory of Hawaii, acquire by purchase all of the property of the association, subject to the then existing charges thereon.

The amount to be paid to the association for such purpose shall be determined by the public utilities commission; but such amount shall in no case exceed the actual cost or the actual value of the tangible property or the actual cost of reproducing or replacing it, less depreciation and less the charges thereon. The value of the franchise or good will, or any other intangible element shall not be considered in determining the amount to be paid.

Either the association or the purchaser may appeal to the supreme court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the supreme court the record of its proceedings, showing in such certificate the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents and evidence, and transcript of testimony upon which the decision of the commission was based, and a copy of such decision. Upon any such appeal, the supreme court may, in its behalf, take or require or permit further evidence to be introduced by either party.

Within six months after the determination of the purchase price as aforesaid, the same shall be paid to the association, and thereupon the franchise granted hereby shall cease and determine, and all the property of said association shall become the property of such purchaser without any further conveyance; but said association shall make all such further conveyances as may be desired by the purchaser and approved by said commission or said court on appeal.

SECTION 19. Power of commission. The commission is hereby vested with power and jurisdiction by order to regulate, fix and change all rates, charges, classifications, rules and practices made, charged or observed by the company or association, the manner in which all property of the association is operated with reference to the safety or accommodation of the public, its form and method of keeping accounts, books and records, and its accounting system, the return upon its property, the incurring of indebtedness and the disposition of its proceeds and income, and to regulate all of its financial transactions, its business relations with other persons, companies, or corporations, its compliance with all applicable territorial and federal laws and with the provisions of its franchise and articles of association, its classifications, rules, regulations, practice and service and all matters of every nature affecting the relations and transactions between it and the public and persons or corporations, and to do all things, whether herein specifically

designated or in addition thereto which are necessary and in the exercise of such power and jurisdiction, all of which as so ordered, regulated, fixed and changed shall be just and reasonable and such as shall provide a fair return on the property of the association actually used for public utility purposes, and such orders may be made after a hearing upon its own motion or upon complaint.

This section shall not be held or construed to be a limitation upon any power of the public utilities commission of the Territory of Hawaii under Chapter 132 of the Revised Laws of Hawaii 1925, creating a public utilities commission or any amendments thereto or any laws relating to public utilities in the Territory of Hawaii.

SECTION 20. This Act shall take effect and be law from and after the date of its approval by the governor of the Territory of Hawaii, subject, however, to the approval of the Congress of the United States, such approval of Congress to be secured within four years from the date of such approval by the governor.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 269

[H. B. No. 294]

AN ACT AUTHORIZING AND DIRECTING THE PAYMENT TO THE COUNTY OF HAWAII OF THE SUM OF FIFTY THOUSAND DOLLARS (\$50,000.00) FROM SURPLUS TAX COLLECTIONS NOW ON HAND AND COLLECTED IN SAID COUNTY OF HAWAII FOR BUILDING AND EQUIPPING A DISTRICT COURT HOUSE AND POLICE STATION, SOUTH HILO, HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby empowered, authorized and directed to pay to the County of Hawaii the sum of fifty thousand dollars (\$50,000.00) now in the territorial treasury, constituting a portion of the surplus collection of taxes received from the said County of Hawaii, and to be expended by the said county for building and equipping a district court house and police station in South Hilo, County of Hawaii.

SECTION 2. Such payment shall be made upon a warrant issued by the territorial auditor for the above purpose, and said amount of fifty thousand dollars (\$50,000.00) shall not be deemed to be paid on account of the requirements of said County of Hawaii for the year 1931 for the purpose of fixing the tax rates therefor for said year.

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 270

[H. B. No. 329]

AN ACT FOR THE RELIEF OF CERTAIN PERSONS ON ACCOUNT OF
AN ORDER OF THE BOARD OF AGRICULTURE AND FORESTRY
NECESSITATED IN THE ERADICATION OF THE LEAF-HOPPER.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon warrants to be issued by the auditor of the Territory of Hawaii, approved by the president of the board of commissioners of agriculture and forestry, to the following named persons, the sums set opposite their respective names:

George K. Kekauoha.....	\$500.00
Mrs. Kanoe Nahulu.....	500.00
Harry Poe	500.00
Sam Kaupu	100.00
William Kanaina	200.00
Benny Nakea	200.00
Willie Hewauli	100.00
H. Kauhane	100.00
Ah Kiu	350.00
Pililaau	100.00
Joe Uu	100.00
Kema Kahawaii	100.00
Kukini	100.00
Richard Cullen	500.00
Mrs. A. Lima	100.00
Robert Meyer	100.00

in full discharge of their respective claims on account of all losses sustained by them through and resulting from the condemnation of their taro and taro patches at Waianae and Lualualei, Island of Oahu, by orders of the board of agriculture and forestry dated on or about February 2nd, 1931.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 271

[H. B. No. 456]

AN ACT TO AMEND SECTIONS 4510 AND 4512 OF THE REVISED
LAWS OF HAWAII 1925, RELATING TO SALE OF MERCHANDISE
IN BULK.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 4510 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 4510. Sale voidable, when. The sale in bulk of the whole, or a large part, of a stock of merchandise and fixtures, or merchandise, or fixtures, otherwise than in the ordinary course of trade, and in the regular and usual prosecution of the seller's business, shall be deemed fraudulent and voidable as against the creditors of the seller, unless the purchaser shall, in good faith, and for the purpose of giving the notice herein required, make inquiry of the seller and receive from him a list in writing of the names and places of residence or business of each and all of his creditors and, unless the purchaser shall, at least fourteen days before the consummation of the sale, give personal notice of the proposed sale, to each of the creditors of the seller as appearing on the list, or use reasonable diligence to cause personal notice to be given to them, or shall deposit in the mail a registered letter of notice, postage prepaid, addressed to each of the seller's creditors at his postoffice address, according to the written information furnished, and unless a bill of sale of such property is recorded in the bureau of conveyances of the Territory of Hawaii. No proceedings at law or equity shall be brought against the purchaser to invalidate any such voidable sale after the expiration of ninety days from the date of the recordation of such bill of sale."

SECTION 2. Section 4512 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 4512. Certain sales excepted. Nothing contained in this chapter shall apply to sales made under any order of court, or to any sales made by executors, assignees for benefit of creditors, administrators, receivers, or any public officer in his official capacity, or by any officer of a court, or a general assignment by a debtor for the benefit of creditors."

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 272

[S. B. No. 199]

AN ACT TO AMEND SECTION 2132 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO SALARIES AND EXPENSES OF CIRCUIT COURTS AND OFFICERS THEREOF.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2132 of the Revised Laws of Hawaii 1925, as amended by Acts 137 and 272 of the Session Laws of 1925, by Act 200 of the Session Laws of 1927 and Act 239 of the Session Laws of 1929, is hereby further amended by adding thereto under the heading "Third Circuit Court" a new item immediately following the first item under said heading, to read as follows:

"Deputy Clerk, Probation Officer and
Bailiff150.00 3600.00."

SECTION 2. This Act shall take effect on July 1, 1931.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 273

[S. B. No. 231]

AN ACT PROVIDING PAYMENT TO KAHULUI RAILROAD COMPANY
FOR FURNISHING AND INSTALLING A CONVEYOR SYSTEM IN
PIER 1 SHED EXTENSION, KAHULUI, MAUI.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The auditor of the Territory of Hawaii is hereby authorized and directed to draw a warrant upon the treasurer of the Territory of Hawaii payable to the Kahului Railroad Company for sixty-five thousand two hundred and twenty-eight and 27/100 dollars (\$65,228.27), and to deliver the said warrant to the Kahului Railroad Company.

SECTION 2. The said sum shall be paid from loan funds now available for the project for which provision was made in Item 6, Act 243, Session Laws of 1929, the said item reading:

"Shed on extension of Pier 1, Kahului, \$150,000"
and as amended by Act 122, Session Laws of 1931, by Item 6, reading:

"Shed on extension of Pier 1, Kahului,
including conveyor system..... 144,177.86"

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 274

[S. B. No. 232]

AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION
OF A ROAD THROUGH THE VILLAGE OF KAMAILI MAUKA, IN
THE DISTRICT OF PUNA, COUNTY OF HAWAII.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of twelve thousand dollars (\$12,000.00) is hereby appropriated out of the fund designated as "Waiakea Residence Lots", for the construction of a road in the district of Puna, in said county, such road to commence from the vicinity of the junction of the Kamaili Trail and Kalapana Road and to

run through the village of Kamaili Mauka and thence more or less along the railroad right-of-way of the Hawaii Consolidated Railway, Limited, towards Kauweleau Village.

SECTION 2. Said amount hereby appropriated shall be expended by or under the direction of the superintendent of public works; provided, that if a satisfactory bid cannot be obtained after the advertisement in the manner provided by law for the construction of said road, the superintendent of public works may construct said road by day labor, or may authorize the board of supervisors to construct the same by day labor.

SECTION 3. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 275

[S. B. No. 7]

AN ACT TO FIX THE GENERAL SCHOOL FUND BUDGET FOR THE BIENNIAL PERIOD BEGINNING JANUARY 1, 1932, AND ENDING DECEMBER 31, 1933.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The General School Fund Budget referred to in Chapter 28 of the Revised Laws of Hawaii 1925, shall be as follows for the biennial period beginning January 1, 1932, and ending December 31, 1933:

GENERAL SCHOOL FUND.

General Administration:		\$ 131,500.00
A. Personal Services	\$ 81,400.00	
Superintendent	\$13,200.00	
Other Personal Services	68,200.00	
B. Other Current Expenses	38,100.00	
C. Equipment	12,000.00	
Board of Examiners:		1,000.00
A. Personal Services	100.00	
B. Other Current Expenses	800.00	
C. Equipment	100.00	

Insurance:		2,500.00
F. Fixed Charges	2,500.00	
1. Insurance and Bonds	2,500.00	
Field Expenses: General Items:.....		22,600.00
B. Other Current Expenses.....	19,650.00	
C. Equipment	2,950.00	
Field Expenses: Elementary Schools:		144,400.00
B. Other Current Expenses.....	74,100.00	
C. Equipment	70,300.00	
Field Expenses: Junior High Schools:		109,200.00
B. Other Current Expenses.....	62,000.00	
C. Equipment	47,200.00	
Field Expenses: High Schools:.....		86,000.00
B. Other Current Expenses.....	38,100.00	
C. Equipment	47,900.00	
Territorial Normal and Training School:		324,450.00
A. Personal Services	292,200.00	
B. Other Current Expenses.....	20,000.00	
C. Equipment	12,250.00	
Territorial School for Deaf and Blind:		89,200.00
A. Personal Services	58,080.00	
B. Other Current Expenses.....	27,120.00	
C. Equipment	4,000.00	
Special Shop for Adult Blind:.....		18,500.00
A. Personal Services	8,000.00	
B. Other Current Expenses.....	500.00	
C. Equipment	2,000.00	
E. Structures and Permanent Improvement to Land.....	8,000.00	
Dental Hygienists and Dentists:.....		196,130.00
A. Personal Services	168,780.00	
B. Other Current Expenses.....	23,800.00	
C. Equipment	3,550.00	

Nutrition Division:		10,600.00
A. Personal Services	7,800.00	
B. Other Current Expenses.....	2,400.00	
C. Equipment	400.00	
Vocational Division:		21,300.00
B. Other Current Expenses.....	10,700.00	
C. Equipment	600.00	
F. Fixed Charges	10,000.00	
(Contribution to Special Vocational Fund)		
Honolulu Vocational School:.....		4,500.00
A. Personal Services	2,400.00	
B. Other Current Expenses.....	2,100.00	
Future Farmers of America:.....		2,000.00
B. Other Current Expenses.....	2,000.00	
1. General Expenses	400.00	
2. Travel Expenses, etc., for student delegates to the territorial and na- tional conventions	1,600.00	
Lahainaluna Boarding Department:....		27,000.00
C. Equipment	2,000.00	
F. Fixed Charges	25,000.00	

(Contribution to Support of
Lahainaluna Fund)

Revolving Fund, Purchase of School Books:

It being provided that the department may purchase books for the use of students who shall be charged a rental fee less than the cost of adopted or approved textbooks. Books so purchased shall be the property of, and be held by the department. The rental received shall be paid into said Revolving Fund and shall be used for the purchase of additional books. The rental shall be kept as low as possible, only providing sufficient funds for the purchase of necessary books.

TOTAL GENERAL SCHOOL FUND.....\$ 1,190,880.00

SECTION 2. Changes and transfers may be made by the head of the department, with the approval of the governor, within the foregoing schedule of appropriations, for any organization unit of such department as to "Personal Services", "Other Current Expenses", or "Equipment". Provided, however, that in cases where no appropriation is made for "Equipment" for such organization unit, the head of the department may, with the approval of the governor, create such appropriation by changes or transfers from "Personal Services" or "Other Current Expenses", or both. And, provided, further, that no changes shall be made with respect to "Personal Services" specifically named.

SECTION 3. This Act shall take effect from and after January 1, 1932.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 276

[S. B. No. 109]

AN ACT TO PROVIDE FOR THE EXCHANGE OF PUBLIC SCHOOL TEACHERS WITH STATES, COUNTRIES AND TERRITORIES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The superintendent of public instruction is hereby authorized to contract for the exchange of public school teachers of the Territory of Hawaii with teachers of any state, country or territory. Teachers of the Territory of Hawaii so exchanged shall be paid their regular salaries out of the funds appropriated for the pay of public school teachers of the Territory of Hawaii; provided, however, that the qualifications of all teachers from any such state, country or territory so exchanged shall be equal to those of the teachers exchanged by the Territory of Hawaii; and provided further, that at least two out of every three teachers of the Territory of Hawaii so exchanged shall be persons born in said territory.

All teachers so exchanged by the Territory of Hawaii shall furnish their own transportation to and from the state, country or territory with which exchanged.

Provided further, that the requirements of citizenship shall not apply to any teacher coming to Hawaii from any foreign state, country or territory under any such contract of exchange.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 277

[S. B. No. 154]

AN ACT PROVIDING PENSIONS, NAMING BENEFICIARIES AND MAKING APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the county of Maui is hereby authorized and directed to pay each month, out of such funds as may be properly chargeable therewith, beginning with the month of July, 1931, and to continue for the terms of their natural lives, the sum set opposite their names as follows:

Mrs. Charles A. Bailey.....	\$ 50.00
Mrs. Elizabeth Hose	50.00
Mrs. George Copp	50.00
Kala Kanahuna	20.00
Keeina	20.00
Makolo Kaleo	20.00
Papia Mauaa	20.00
John Kao	20.00
Sister M. Cyrilla	50.00
Sister M. Pancratia	40.00
Sister M. Lidwina	40.00
Manuel Enos	40.00
Mary Ann Maxwell	30.00
George Kaohie	20.00

Provided, however, that no beneficiary under this Act shall be permitted to draw the pension specified in this Act, or any portion thereof, if said beneficiary is holding any salaried position of the United States, Territory of Hawaii or any political subdivision thereof; and provided, further, that pensions granted to widows under this Act shall cease upon their remarriage.

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 278

[H. B. No. 376]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII 1925 BY ADDING THERETO FOUR NEW SECTIONS TO BE NUMBERED RESPECTIVELY SECTIONS 2017A, 2017B, 2017C AND 2017D, RELATING TO THE LICENSING OF THE BUSINESS OF PRIVATE DETECTIVES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 125 of the Revised Laws of Hawaii 1925, is hereby amended by adding thereto four new sections to be numbered respectively Sections 2017A, 2017B, 2017C and 2017D, and to read as follows:

“Section 2017A. License as private detective, definition. No person shall engage in the business of private detective for hire or reward without having first obtained a license so to do from the treasurer of the county or city and county wherein any such person intends to carry on such business. A ‘private detective’ includes any person who shall engage in the business of securing and/or furnishing information as to the personal character or actions of any person, firm or corporation, or as to the character or kind of business or occupation of any person, firm or corporation.

“Section 2017B. Application, fee, bond. Any person desiring to engage in the business of private detective shall file with the treasurer of the county or city and county wherein he intends to carry on such business his written application for the license referred to in Section 2017A, which application shall be accompanied by certificates of not less than four reputable citizens vouching for the good character and integrity of the applicant. When satisfied that the applicant is a person of good character and integrity, the treasurer shall issue a license to such applicant upon the payment of an annual license fee of twenty-five dollars. Before the applicant shall be entitled to such license he shall give to the treasurer issuing the same a bond in the penal sum of two thousand dollars, with a surety company authorized to do business under the laws of the Territory of Hawaii as surety thereon the sufficiency of such surety to be approved by such treasurer, conditioned for the faithful and honest conduct of such business by such applicant. Such license shall be plainly displayed in the office or place of business of the holder thereof.

“Section 2017C. Suit on bond. Any person claiming to have sustained damage by reason of the failure, default or misconduct

of any licensed private detective or the failure of any such detective to comply with the provisions of his bond may bring suit on such bond and recover thereon any loss caused to him by reason of any such failure, default or misconduct. Whenever any such action shall be brought, it shall be lawful to join as parties defendant the sureties on the bond of such detective.

"Section 2017D. Penalties. Every person who violates the provisions of Section 2017A shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding two hundred and fifty dollars or by imprisonment for a term not exceeding one year or by both such fine and imprisonment.

"Every person holding a license to engage in the business of private detective who is convicted of a felony or a misdemeanor involving moral turpitude shall forfeit such license and shall not be entitled thereafter to receive a similar license."

SECTION 2. This Act shall take effect upon its approval.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 279

[S. B. No. 167]

AN ACT PROVIDING PENSIONS, NAMING BENEFICIARIES AND MAKING APPROPRIATION THEREFOR.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon warrants to be issued by the auditor of the Territory of Hawaii, each month, beginning with the month of July, 1931, and to continue such payments for the term of the respective lives of each of the recipients, or for periods specified below, unless abolished, amended and/or otherwise acted upon by the legislature, to the following named beneficiaries in the sums set opposite their respective names:

Mrs. Mary Ambrose.....	\$ 35.00
Mrs. Rose M. Berger.....	100.00
Mrs. Ella Brown.....	35.00
Frank Burkhardt	35.00
Joseph E. Cummings.....	35.00
Judge John T. De Bolt.....	125.00
Jose Freitas	25.00

Matthias de Freitas.....	25.00
Julian Gaspar	35.00
Mrs. Harriet Hapai.....	50.00
Christopher J. Holt.....	50.00
Mrs. Balbina J. Jardin.....	30.00
Moke Kailiahi	15.00
Mrs. Elizabeth Kauhimahu.....	35.00
Mrs. Alvina Kekumano.....	50.00
John Leal	50.00
P. Maurice McMahon.....	50.00
Miss Emma L. McVeigh.....	50.00
Makakulani	30.00
Miss Effie Marshall, during the period of her minority	20.00
Harold Marshall, during the period of his minority	20.00
George W. Nawaakoa.....	35.00
Miss Melika Peterson.....	35.00
Mr. James B. Gibson.....	50.00
Mr. William Larsen.....	100.00
Mrs. Maryann Richardson.....	35.00
Mrs. Mary Simerson.....	35.00
Mrs. Elizabeth K. Van Gieson.....	30.00
Sister Herman Joseph.....	40.00
Mother M. Flaviana.....	40.00
Sister M. Albina.....	40.00

Provided, however, that no beneficiary under this Act shall be permitted to draw the amount specified in the Act if said beneficiary is holding any salaried position with the Territory of Hawaii or any political subdivision thereof; and provided, further, that pensions to widows under this Act shall cease upon their remarriage; and provided, further, that if any male beneficiary under this Act, having a wife at the time this Act becomes effective, shall die, then such wife, as long as she remains a widow, shall be paid sixty per centum (60%) of the amount of the pension payable to such male beneficiary.

SECTION 2. This Act shall take effect from and after July 1, 1931.

Approved this 1st day of May, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 280

[H. B. No. 430]

AN ACT TO AMEND SECTION 297 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO PUBLIC INSTRUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 297 of the Revised Laws of Hawaii 1925, as amended, is hereby amended to read as follows:

“Section 297. Principals, teachers. All public schools shall be presided over by qualified teachers; provided, however, that the department, in appointing teachers, shall, where the qualifications are equal, give preference to citizens of the Territory of Hawaii. If there shall be more than one teacher in any public school, one of them shall be designated by the department as principal; provided, however, that no teacher shall be designated by the department as principal or acting principal of any school up to and including the eighth grade, unless said teacher shall have served as a teacher in the public schools of the Territory of Hawaii for a period of not less than three years; and provided, further, that the department may designate any teacher, who has taught in the public schools of the Territory of Hawaii for a continuous period of at least twenty years, as principal of any school up to and including the eighth grade, without such teacher being required to take any examination or examinations provided by law or departmental regulation.”

SECTION 2. This Act shall take effect from and after the date of its approval.

Approved this 1st day of May, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 281

[H. B. No. 163]

AN ACT PROVIDING PENSIONS FOR CERTAIN PERSONS HEREIN NAMED, AND AUTHORIZING AND DIRECTING THE CITY AND COUNTY OF HONOLULU AND THE BOARD OF WATER SUPPLY OF THE CITY AND COUNTY OF HONOLULU TO PAY THE SAME.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the City and County of Honolulu, and the board of water supply of the City and County of Honolulu, are hereby authorized and directed to pay each month, beginning with the month of July, 1931, up to and including the month of June, 1933, the sums set opposite the respective names as follows:

	Per Month
Julia K. Arnold (widow).....	\$125.00
Anna Machado (widow).....	24.00
Charles M. Coster.....	125.00
James L. MacDonald.....	30.00
William Kaleihua.....	30.00
Lokalia Akau (widow).....	40.00
Mary Gouveia (widow).....	45.00
Gene Moniz.....	70.00
Luiki Ikaea.....	30.00
L. J. K. Malaihi.....	30.00
Isaac Adams, Sr.....	30.00
David Isaac Kaia.....	25.00
K. Kumuiki.....	45.00
S. K. Kaaikaula.....	35.00
Marcus H. Sanders.....	75.00
Kalamanai Kaihe.....	30.00
Thomas Watson.....	30.00
S. K. Kimokeo.....	40.00
Wm. Kealoha.....	30.00
Puakela.....	25.00
Mikiele Paaaina.....	25.00
David Kailiponi, Sr.....	50.00
Manuel De Mello.....	25.00
Willie Hiwauli.....	35.00
David Namokuelua.....	35.00
Mrs. Annie Adams (widow).....	30.00
Mrs. John Kananali (widow).....	25.00
Mrs. Helen C. K. Thurston.....	125.00
J. Wallace Jackson.....	40.00
Lily K. Woodward, minor.....	10.00

Hannah K. Woodward, minor.....	10.00
Allen K. Woodward, minor.....	10.00
Emily N. Woodward, minor.....	10.00
Louise K. Woodward, minor.....	10.00
Mike Harvey	40.00
Theresa Martin, minor.....	10.00
John Martin, minor.....	10.00

provided, however, that no beneficiary under this Act shall be permitted to draw the pension specified in this Act, or any portion thereof, if said beneficiary is holding any salaried position of the United States, Territory of Hawaii, or any political subdivision thereof; and provided, further, that pensions for widows under this Act shall cease upon their remarriage; and provided, further, that if any beneficiary shall receive, from any employment other than under the United States, the Territory of Hawaii or any political subdivision thereof, a wage or salary which, if added to the pension provided for him under this Act, shall exceed the average monthly wage or salary paid during the last five years of his employment by the said City and County of Honolulu, and/or the board of water supply of the City and County of Honolulu, then such pension shall be reduced to the extent of such excess; and provided, further, that if any male beneficiary under this Act, having a wife at the time this Act becomes effective, shall die, then such wife, as long as she remains a widow, shall be paid sixty per centum (60%) of the amount of the pension payable to such male beneficiary; and provided, further, that such pension as may be payable to any minor shall cease upon such minor reaching the age of majority; and provided, further, that no person receiving a pension under the terms of this Act shall be entitled to receive or receive any pension under the provisions of any other law of this Territory.

SECTION 2. The pensions payable as provided herein to beneficiaries by reason of services heretofore rendered in respect to the Honolulu water works shall be, upon due certification to such effect by the board of supervisors of the City and County of Honolulu, paid by the board of water supply of the City and County of Honolulu, and said board of water supply is hereby authorized and directed to pay the same in manner and form provided herein, out of the general revenues of the said board of water supply.

SECTION 3. Every beneficiary receiving a pension as provided for in Section 1 hereof shall be paid out of the special or general funds from which said beneficiary was paid compensation when last employed by the City and County of Honolulu, and where a

widow, then such payment shall be out of the special or general fund from which the husband was so paid.

SECTION 4. Where sufficient funds are not available in the special funds of said City and County of Honolulu obligated under the provisions of this Act to satisfy the requirements hereof, then to the extent of the deficiency such payment shall be made out of the general fund of the said City and County of Honolulu; and where the general revenues of the said board of water supply are not sufficient to pay the pensions chargeable against the same, then to the extent of such deficiency payment shall be made by the board of supervisors of the City and County of Honolulu out of the said general fund.

SECTION 5. This Act shall take effect on July 1, 1931.

Approved this 1st day of May, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 282

[H. B. No. 227]

AN ACT TO AMEND SECTION 2133 OF THE REVISED LAWS OF HAWAII 1925, AS AMENDED, RELATING TO SALARIES OF DISTRICT MAGISTRATES, CLERKS AND OTHER ASSISTANTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2133 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by amending Item 3 thereof to read as follows:

"3. Clerks, Stenographers and Interpreters, District Court of Honolulu:

	Per Month	Per Annum
First Clerk, Stenographer and Cashier.....	\$300.00	\$3,600.00
Second Clerk and Stenographer.....	275.00	3,300.00
Third Clerk and Stenographer.....	250.00	3,000.00
Fourth Clerk and Stenographer.....	225.00	2,700.00
Fifth Clerk and Stenographer.....	200.00	2,400.00
Sixth Clerk and Stenographer.....	200.00	2,400.00
Hawaiian Interpreter and Clerk.....	225.00	2,700.00
Chinese Interpreter	200.00	2,400.00

Japanese Interpreter	200.00	2,400.00
Portuguese Interpreter	200.00	2,400.00
Filipino and Spanish Interpreter.....	225.00	2,700.00."

SECTION 2. This Act shall take effect from and after July 1, 1931.

Approved this 1st day of May, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 283

[S. B. No. 236]

AN ACT TO AMEND ACT 208 OF THE SESSION LAWS OF 1927 BY AMENDING SECTIONS 2, 12 AND 14 AND PARAGRAPH 1 OF SECTION 13 THEREOF AND BY ADDING THERETO TWO NEW SECTIONS TO BE KNOWN AS SECTIONS 12A AND 26A, RELATING TO BUILDING AND LOAN ASSOCIATIONS.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2 of Act 208 of the Session Laws of 1927 is hereby amended to read as follows:

"Section 2. Definitions. 'Authorized capital' shall mean the aggregate matured value of all shares of stock the issuance of which has been authorized as stated in the articles of association or by subsequent increase thereof, as in this Act provided. This term shall not be used by any association in advertising its business.

" 'Paid in capital' or 'capital' shall mean the sum of the book values of all of the shares of stock at the time issued and outstanding, and 'book value' shall mean the value of a share as determined by the total amount paid in upon or credited to the matured value thereof, less any sums withdrawn or lawfully charged against the same.

" 'Fully paid shares' shall mean those shares on which matured value is paid in at the time of subscription therefor.

" 'Prepaid shares' shall mean those shares upon which a lump sum is paid when the stock is subscribed for in an amount which shall equal the then present worth of the matured value of the share at the expected dividend rate for the number of years intervening until estimated maturity.

"A 'matured' share shall mean (a) an installment share or a prepaid share of which the book value shall have reached its maturity value by the payment of dues and apportionments of earnings thereon, over and above any amounts chargeable against the same; or (b) a fully paid share the matured value of which has been paid in for such number of years as the by-laws shall provide.

"'Investment certificate' shall mean a certificate by the term of which the association agrees to pay a fixed and stated rate of interest, which rate shall be used in determining the book value at any time and the ultimate or maturity value thereof.

"'Withdrawal value' shall mean the value of a share or investment certificate determined by adding to what has been paid in (excluding the membership fee) such proportion of the earnings thereon as the by-laws may provide, or as may be fixed by the board of directors.

"'Guaranty shares' shall mean stock provided for by the by-laws to be set apart and sold as a permanent or guaranty capital which, when once so set apart, sold and issued, shall thereafter remain as a fixed permanent and guaranty capital subject to all of the conditions and liabilities attaching to the paid in capital stock of other classes of corporations. It shall protect and guarantee all other stockholders and creditors against any loss, and shall be maintained at not less than the following percentages of the aggregate book value of all the stock and investment certificates: (a) seven and one-half per cent ($7\frac{1}{2}\%$) of any amount up to and including two million dollars (\$2,000,000.00); (b) five per cent (5%) of any amount in excess of two million dollars (\$2,000,000.00). Should earnings be insufficient to fulfill the guarantees given by the association, both principal and dividends of the guaranty stock shall be used for that purpose to any extent required.

"A 'member' shall mean any owner of any share of stock of the association irrespective of its book value, or whether represented by a certificate or pass book."

SECTION 2. Section 12 of Act 208 of the Session Laws of 1927 is amended to read as follows:

"Section 12. Reserve fund. Every association shall maintain a reserve fund, to be accumulated out of its net earnings by appropriations made thereto, which appropriations shall not in any year be less than three per cent (3%) nor more than twenty per cent (20%) of the net earnings for such year, until such fund shall equal the following percentages of the aggregate book value of

all stock and investment certificates: (a) seven and one-half per cent (7½%) of any amount up to and including two million dollars (\$2,000,000.00); (b) five per cent (5%) of any amount in excess of two million dollars (\$2,000,000.00), (exclusive of any shares or investment certificates protected by guaranty shares).

“Whenever the said fund shall fall below the amount above prescribed, the board of directors shall restore the same in the manner above provided. Whenever said fund shall exceed said prescribed amount, then, at the next dividend period, the excess shall be transferred to the general profits account.

“Such fund shall not be available for the payment of expenses so long as the association has any undivided profits, and shall not be used for dividends. It shall be chargeable with all direct and contingent losses not otherwise specially provided for, and with any losses upon investments whether resulting from depreciation or otherwise, and shall also be a guaranty of payments of withdrawals on shares and investment certificates not otherwise guaranteed.

“Said fund may be invested in the same manner as other investment funds of the association, and the income therefrom may be merged with other current earnings.”

SECTION 3. Act 208 of the Session Laws of 1927, is hereby amended by adding thereto a new section to be known as Section 12A and reading as follows:

“Section 12A. Maintain cash reserve. Any association issuing investment certificates as defined in Section 4 of this Act shall at all times maintain a cash reserve equal to five per cent (5%) of the book value of its issued and outstanding investment certificates.”

SECTION 4. Paragraph 1 of Section 13 of Act 208 of the Session Laws of 1927, is hereby amended to read as follows:

“Section 13. Dividends. No dividends or apportionment of profits shall be declared, credited or paid except out of surplus or net profits.

“In computing net income or net profits for this and all other purposes there shall be deducted as expenses:

“1. All losses;

“2. All assets and depreciation which the bank examiner may have required to be charged off;

“3. The return paid or credited on or apportioned to the

withdrawable shares and investment certificates, but in no event exceeding six per centum per annum;

"4. All expenses and taxes accrued or due from such associations;

"5. All other necessary expenses, such as rents, salaries, light, etc.

"Earnings shall be apportioned and credited at least once in each year on the book value of all shares; provided, that the amounts so apportioned on matured and fully paid shares may be paid as cash dividends. Such apportionments in any year shall not exceed the net earnings for such year added to any accumulated undivided profits."

SECTION 5. Section 14 of Act 208 of the Session Laws of 1927 is hereby amended to read as follows:

"Section 14. Fees, fines. Membership fees may be charged but must be stated and paid as such separately from any dues. No such fee shall exceed two per cent (2%) of the maturity value of the stock or investment certificates subscribed for.

"No amount paid in on any share or investment certificate shall be used to pay any fee, commission or other form of compensation to any person for obtaining any subscription therefor.

"A transfer fee may be charged on each share or investment certificate, as the by-laws shall provide, not to exceed one per cent (1%) of the book value.

"A withdrawal fee of not more than one per cent (1%) of the maturity value may be charged on the voluntary withdrawal prior to maturity of any share or investment certificate, provided, however, that the membership fee and the withdrawal fee provided for in this Section shall not together exceed two per cent (2%) of the maturity value of any share or investment certificate.

"Fines may be assessed upon installments not paid when due, but no fine shall exceed ten per cent (10%) of the amount due, nor shall any fine be assessed more than once against the same delinquent amount, nor beyond a period of six months after the date when the amount became delinquent, except that said limitation of six months shall not apply in the case of stock to which dividends are credited irrespective of whether or not installments due are paid."

SECTION 6. Act 208 of the Session Laws of 1927 is hereby amended by adding thereto a new section to be known as 26A and reading as follows:

"Section 26A. It shall be unlawful for any building and loan association doing business within the Territory of Hawaii to employ any agent for the purpose of soliciting the sale of stock, savings certificates and/or investment certificates unless he shall first be licensed by the treasurer of the Territory of Hawaii, and no agent representing any building and loan association doing business within the Territory of Hawaii shall solicit the sale of stock in such company unless he shall first be licensed by the treasurer.

"No license shall be issued to any applicant for an agent's license until such applicant shall have first made and filed in the office of the treasurer of the territory an application therefor upon a form to be prescribed and furnished by the treasurer, which must show the applicant's name, business and residence address, the name of the company to be represented, present occupation, occupation for the last twelve months, and such other information as the treasurer may require. If the treasurer is satisfied that the applicant is a fit and proper person to engage in the sale of stock he shall issue the license. The treasurer may revoke the license of any agent for misrepresentation or when convicted in any court for violation of the criminal statutes, or when satisfied that said agent is not a fit and proper person to be engaged in the business of selling building and loan association stock and/or investment certificates.

"Each agent granted a license under this provision shall pay an annual fee to the treasurer of two dollars (\$2.00).

"Every such agent's license shall expire on the 30th day of June next following its issuance. Such license shall be renewed annually upon application to the treasurer."

SECTION 7. All laws and/or parts of laws in conflict with this Act are hereby repealed.

SECTION 8. This Act shall take effect on July 1, 1931.

Approved this 1st day of May, 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 284

[S. B. No. 128]

AN ACT TO AMEND SECTIONS 282, 284, 285, 286, 287 AND 288, AND TO REPEAL SECTION 283, OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE DEPARTMENT OF PUBLIC INSTRUCTION, AND TERMINATING THE TERMS OF OFFICE OF THE PRESENT COMMISSIONERS OF PUBLIC INSTRUCTION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 282 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 282. Department. There shall be an executive department to be known as the department of public instruction. The commissioners, hereafter provided for, shall have full authority and responsibility for the administration of the department of public instruction and all matters pertaining thereto, and shall as soon as possible state a policy or policies of education in the Territory of Hawaii, and fix the curriculum for all the schools under their control. They shall prescribe the duties of the superintendent of public instruction, who shall be the administrative officer."

SECTION 2. Section 284 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 284. Commissioners; appointment, tenure. The governor, in the manner prescribed in Section 80 of the Organic Act, shall appoint a board of eight commissioners. All commissioners shall have been citizens of the territory for at least five years next preceding their appointment. The commission shall be composed of two appointees who are residents of the county of Hawaii, one of the county of Maui, one of the county of Kauai, two of the city and county of Honolulu and one who shall be appointed at large, who shall be the chairman. Three of such commissioners shall be appointed for a term of two years, and four shall be appointed for a period of four years. The superintendent of public instruction shall be a member ex-officio, on full parity with the other members. Upon the expiration of the terms of said members, their respective successors shall be respectively appointed for a term of four years. In case of a vacancy occurring through any cause other than the expiration of the term of office, such vacancy shall be filled by the appointment of a succeeding member for the remainder of the term for which his predecessor was appointed."

SECTION 3. Section 285 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 285. Who eligible. No person in holy orders nor a minister of religion shall be eligible as a commissioner. Women shall

be eligible for appointment as commissioners, but not more than three shall hold commissions at any one time.

"All commissioners shall serve without pay but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of duties and responsibilities required by law."

SECTION 4. Section 286 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 286. Quorum. Five commissioners shall constitute a quorum for the transaction of business. At least one meeting shall be held in each quarter of the year and such other meetings shall be held as in the opinion of the chairman or any five commissioners may be necessary for the proper transaction of the business of the department. The chairman shall notify the commissioners in writing at least six days prior to the date set for any meeting."

SECTION 5. Section 287 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 287. Chairman presides. The chairman shall call all meetings and preside at the same. The commissioners shall choose one of their number to act in his stead in case of his absence or disability."

SECTION 6. Section 288 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 288. Superintendent signs drafts, etc., makes reports. Except as otherwise provided, the superintendent shall sign all drafts for the payment of moneys, all commissions and appointments, all deeds, official acts or other documents of the department. He shall, at such time as may be prescribed by the commissioners, present to the commissioners full annual reports of the principal transactions within his department during the last completed year, which reports, together with such recommendations as the commissioners may think proper shall be presented to the governor and the legislature."

SECTION 7. Section 283 of the Revised Laws of Hawaii 1925, is hereby repealed.

SECTION 8. This Act shall take effect upon its approval, at which time the terms of office of the previously appointed commissioners of public instruction shall terminate.

Approved this 22nd day of May, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 285

[H. B. No. 77]

AN ACT TO AMEND CHAPTER 125 OF THE REVISED LAWS OF HAWAII 1925, BY AMENDING SECTION 2013 THEREOF, RELATING TO THE OPERATION OF MOTOR VEHICLES.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 2013 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2013. Unlicensed persons. No person shall operate a motor vehicle upon any public street, road, highway, park or other public place within the territory, unless such person is then and there the legal possessor of a valid license obtained as hereinbefore provided. And it shall be unlawful for the owner of a motor vehicle or his agents or servants to permit such vehicle to be driven by any person not having such a license, whether for hire or otherwise; provided, however, that a person who is bona fide learning how to drive while accompanied by a person holding a chauffeur's license shall be permitted so to learn; and provided, further, that non-renewable ninety day permits may be issued to persons temporarily residing in the territory upon a showing that they have the equivalent of the license herein required under the laws or ordinances in force at the place of their residence."

SECTION 2. This Act shall take effect upon its approval.

Approved this 22nd day of May, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 286

[H. B. No. 141]

AN ACT TO AMEND CHAPTER 130 OF THE REVISED LAWS OF HAWAII 1925, BY ADDING THERETO A NEW SECTION TO BE NUMBERED SECTION 2169A, RELATING TO BENEFICIARIES UNDER SAID CHAPTER.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Chapter 130 of the Revised Laws of Hawaii 1925, as amended, is hereby further amended by adding thereto a new section, to be numbered Section 2169A, and to read as follows:

"Sec. 2169A. Certain other employees included. Whenever used in this chapter the term 'police force' shall be deemed to include, among others, jailors, turnkeys, guards, matrons, lunas and cooks employed in any county or city and county jail."

SECTION 2. Section 1 of this Act shall apply only to county or city and county employees in service on December 31, 1927, who, if members of the police force on said date, would be or have been entitled to membership in one of the pension funds provided for by said Chapter 130, and who shall apply to the trustees of the pension fund in which they are entitled to claim membership under this Act on or before December 31, 1931; and no such employee who complies with the provisions of this Act shall be held to have waived his right to membership in any such fund by reason of his having joined or become a member of the Employees' Retirement System of the Territory of Hawaii after December 31, 1927, but such membership in said system shall cease upon such person becoming a member of any such pension fund.

And it shall be the duty of said trustees to pass upon such applications and to determine whether or not such applicants are entitled to such membership under this Act.

SECTION 3. This Act shall take effect upon its approval.

Approved this 22nd day of May, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 287

[H. B. No. 28]

AN ACT MAKING APPROPRIATIONS OUT OF THE GENERAL REVENUES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1933.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. That the following sums, or so much thereof as may be necessary, respectively, are hereby appropriated for the objects and purposes hereinafter specified for the biennial period ending June 30, 1933, out of moneys in the treasury received from the general revenues:

JUDICIARY

Supreme Court		\$ 55,160.00
A. Personal Services	\$ 31,560.00	
B. Other Current Ex-		
penses	15,600.00	
C. Equipment	8,000.00	
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District Court of Kalawao		1,490.00
A. Personal Services..	1,440.00	
B. Other Current Ex-		
penses	50.00	
	<hr/>	
Land Court		40,100.00
A. Personal Services..	37,100.00	
B. Other Current Ex-		
penses	2,000.00	
C. Equipment	1,000.00	
	<hr/>	
Total, Judiciary..		<u>\$ 96,750.00</u>

EXECUTIVE

Governor's Office and Washington Place		\$ 55,000.00
B. Current Expenses to be expended at the discretion of the Governor	\$ 55,000.00	
	<hr/>	
Governor's Contingent Fund		100,000.00
From which expendi- tures may be made only with the ap- proval of the Gov- ernor and only for urgent needs for which no specific appropriation or an insufficient ap- propriation is made herein or other- wise, a detailed ac- count of all of which expenditures		

shall be submitted to the next legisla- ture ; provided, however, that no expenditure shall be made out of this fund to in- crease any salary..	50,000.00	
For temporary assist- ance when needed —all departments..	50,000.00	
Bureau of the Budget....		33,000.00
A. Personal Services..	28,000.00	
Director	\$ 15,000.00	
Other Personal Services	13,000.00	
B. Other Current Ex- penses	5,000.00	
Total, Executive....		\$ 188,000.00

MILITARY

National Guard		\$ 85,550.00
A. Personal Services..	\$ 58,100.00	
Adjutant General..	\$ 10,800.00	
Other Personal Services	47,300.00	
B. Other Current Ex- penses	24,200.00	
C. Equipment	1,750.00	
G. Capital Outlays for Rights and Ob- ligations	1,500.00	
Refunds, Awards and Indemnities \$ 1,500.00		
Total, Military.....		\$ 85,550.00

SECRETARY OF HAWAII		
Secretary's Office		\$ 22,900.00
A. Personal Services..	\$ 20,400.00	
B. Other Current Ex-		
penses	2,000.00	
C. Equipment	500.00	
	<hr/>	
Expenses of Elections....		\$ 29,200.00
A. Personal Services	15,500.00	
B. Other Current Ex-		
penses	9,700.00	
C. Equipment	4,000.00	
	<hr/>	
Expenses, Hawaiian		
Birth Registration		18,150.00
A. Personal Services..	7,200.00	
B. Other Current Ex-		
penses	10,950.00	
	<hr/>	
Publication Session Laws		
of Hawaii 1933....		11,150.00
A. Personal Services..	1,250.00	
B. Other Current Ex-		
penses	9,900.00	
	<hr/>	
Total, Secretary of		\$ 81,400.00
Hawaii		<hr/>
ATTORNEY GENERAL'S DEPARTMENT		
Attorney General's Office		\$ 86,830.00
A. Personal Services..	\$ 70,980.00	
Attorney General..	\$ 16,800.00	
Other Personal		
Services	54,180.00	
	<hr/>	
B. Other Current Ex-		
penses	12,850.00	
C. Equipment	3,000.00	
	<hr/>	
Collecting Delinquent		
Taxes		9,600.00
A. Personal Services..	9,600.00	
	<hr/>	
Total, Attorney		
General's De-		\$ 96,430.00
ment		<hr/>

BOARD OF PRISON DIRECTORS

Board of Prison Directors		\$ 22,800.00
A. Personal Services..	\$ 16,800.00	
B. Other Current Expenses	6,000.00	
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High Sheriff and Territorial Prison.....		369,780.00
A. Personal Services..	167,280.00	
High Sheriff	\$ 8,400.00	
Other Personal Services	158,880.00	
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B. Other Current Expenses	193,000.00	
C. Equipment	9,500.00	
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Motor Vehicles	\$ 5,000.00	
Other Equipment..	4,500.00	
	<hr/>	
Compensation to Prisoners		12,000.00
A. Personal Services..	12,000.00	
	<hr/>	
Total, Board of Prison Directors		<u>\$ 404,580.00</u>

AUDITING DEPARTMENT

Auditor's Office		\$ 123,088.00
A. Personal Services..	\$103,800.00	
Auditor	\$ 12,000.00	
Deputy Auditor	11,400.00	
Other Personal Services	80,400.00	
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B. Other Current Expenses	16,000.00	
C. Equipment	3,288.00	
	<hr/>	
Veteran's Hawaii Guard 1893-1898 (To be expended in the manner set forth in Act 161, 1925, as amended)		6,000.00

F. Fixed Charges	6,000.00	
Grants, Subsidies and Contributions	\$ 6,000.00	
Total, Auditing Department		\$ 129,088.00
OFFICE OF THE COMMISSIONER OF PUBLIC LANDS		
Office of the Commissioner		\$ 119,440.00
A. Personal Services..	\$ 97,440.00	
Commissioner of Public Lands	\$ 12,000.00	
Other Personal Services	85,440.00	
B. Other Current Ex- penses	18,500.00	
C. Equipment	3,500.00	
Motor Vehicles	\$ 1,500.00	
Other Equipment..	2,000.00	
Board of Public Lands		2,500.00
A. Personal Services..	500.00	
B. Other Current Ex- penses	2,000.00	
Board of Appraisers.....		6,000.00
A. Personal Services..	5,000.00	
B. Other Current Ex- penses	1,000.00	
Division of Hydrography		57,675.00
A. Personal Services..	20,900.00	
B. Other Current Ex- penses	4,375.00	
C. Equipment	1,300.00	
G. Capital Outlays for Rights and Obligations	31,100.00	
Total, Office of the Commissioner of Public Lands.....		\$ 185,615.00

DEPARTMENT OF PUBLIC WORKS

Office of the Superintendent		\$ 45,520.00
A. Personal Services..	\$ 38,520.00	
Superintendent	\$ 14,400.00	
Other Personal Services	24,120.00	
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B. Other Current Expenses	6,000.00	
C. Equipment	1,000.00	
	<hr/>	
Public Buildings and Grounds Service....		157,240.00
A. Personal Services..	92,040.00	
B. Other Current Expenses	42,700.00	
C. Equipment	22,500.00	
	<hr/>	
Maintenance, Additions, Repairs to and Tearing down or Removal of Government Property (including Armories and War Memorials) and Improvements to Grounds		90,950.00
B. Other Current Expenses	79,450.00	
Hilo Tax Office....	5,500.00	
Rest Room for Women — Judiciary Building....	4,500.00	
C. Reconstruction and/or Repair of Seawall—Kailua Palace....	1,500.00	
	<hr/>	
Sidewalks, Territorial Lots		1,500.00
E. Structures and Permanent Improvements to Land....	1,500.00	
	<hr/>	

Highways and Trails	\$ 1,500.00	
American Association of State Highway Of- ficials		2,000.00
B. Other Current Ex- penses	2,000.00	
Total, Department of Public Works		<u>\$ 297,210.00</u>

SURVEY DEPARTMENT

General Office and Field Force		\$ 158,080.00
A. Personal Services..	\$134,520.00	
Surveyor	\$ 10,800.00	
Other Personal Services	123,720.00	
B. Other Current Ex- penses	20,560.00	
Marking of Territorial Monuments and Reserves	1,000.00	
C. Equipment	2,000.00	
Motor Vehicles	\$ 1,000.00	
Other Equipment..	1,000.00	
Total, Survey De- partment		<u>\$ 158,080.00</u>

TREASURY DEPARTMENT

Office of the Treasurer..		\$ 64,400.00
A. Personal Services..	\$ 57,600.00	
Treasurer	\$ 12,000.00	
Other Personal Services	45,600.00	
B. Other Current Ex- penses	6,300.00	
C. Equipment	500.00	

Deputy Bank Examiner		54,300.00
A. Personal Services..	44,400.00	
B. Other Current Ex-		
penses	9,500.00	
C. Equipment	400.00	
	<hr/>	
Insurance Commissioner		13,850.00
A. Personal Services..	7,200.00	
B. Other Current Ex-		
penses	5,400.00	
C. Equipment	1,250.00	
	<hr/>	
Motor Vehicles\$	1,000.00	
Other Equipment..	250.00	
	<hr/>	
Expenses, Official Bonds		12,500.00
A. Other Current Ex-		
penses	12,500.00	
	<hr/>	
Bureau of Conveyances..		127,175.00
A. Personal Services..	107,760.00	
B. Other Current Ex-		
penses	16,790.00	
C. Equipment	2,625.00	
	<hr/>	
Public Debt Service.....		17,500.00
A. Personal Services..	10,000.00	
B. Other Current Ex-		
penses	7,500.00	
	<hr/>	
Bureau of Taxes, First		
Division		253,390.00
A. Personal Services..	218,520.00	
B. Other Current Ex-		
penses	22,500.00	
C. Equipment	12,370.00	
	<hr/>	
Motor Vehicles\$	1,500.00	
Other Equipment..	10,870.00	
	<hr/>	
Bureau of Taxes, Second		
Division		85,540.00
A. Personal Services..	68,840.00	
B. Other Current Ex-		
penses	11,000.00	
C. Equipment	5,700.00	
	<hr/>	

Bureau of Taxes, Third		
Division		108,625.00
A. Personal Services..	85,720.00	
B. Other Current Ex-		
penses	14,420.00	
C. Equipment	8,485.00	
	<hr/>	
Motor Vehicles\$	1,050.00	
Other Equipment..	6,635.00	
Vault—Waiohinu	800.00	
	<hr/>	
Bureau of Taxes, Fourth		
Division		61,700.00
A. Personal Services..	53,300.00	
B. Other Current Ex-		
penses	4,400.00	
C. Equipment	4,000.00	
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Motor Vehicles\$	900.00	
Other Equipment..	3,100.00	
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Tax Books and Blanks..		16,000.00
B. Other Current Ex-		
penses	14,000.00	
C. Equipment	2,000.00	
	<hr/>	
Bureau of Income Taxes		72,000.00
A. Personal Services..	67,200.00	
B. Other Current Ex-		
penses	3,600.00	
C. Equipment	1,200.00	
	<hr/>	
Taxation Maps		51,960.00
A. Personal Services..	36,360.00	
B. Other Current Ex-		
penses	15,100.00	
C. Equipment	500.00	
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Territorial Boards of		
Equalization		50,000.00
A. Personal Services..	30,000.00	
B. Other Current Ex-		
penses	20,000.00	
	<hr/>	
Total, Treasury		
Department		<u>\$ 988,940.00</u>

BOARD OF AGRICULTURE AND FORESTRY

Board of Administration		\$ 51,000.00
A. Personal Services..	\$ 44,520.00	
Executive Secretary	\$ 9,600.00	
Other Personal Services	34,920.00	
B. Other Current Expenses	5,950.00	
C. Equipment	530.00	
Division of Forestry.....		257,165.00
A. Personal Services..	206,700.00	
B. Other Current Expenses	30,065.00	
C. Equipment	5,900.00	
Motor Vehicles	\$ 4,000.00	
Other Equipment..	1,900.00	
E. Structures and Permanent Improvements to Land..	14,500.00	
Buildings	\$ 5,000.00	
Waterworks	1,500.00	
Fences	8,000.00	
Eradication of Goats and Pigs		3,000.00
B. Other Current Expenses	2,000.00	
C. Equipment	500.00	
E. Structures and Permanent Improvements to Land....	500.00	
Other Improvements to Land....	\$ 500.00	
Division of Entomology, Proper		29,570.00
A. Personal Services..	22,440.00	
B. Other Current Expenses	5,250.00	
C. Equipment	1,880.00	

Motor Vehicles	\$ 750.00	
Other Equipment..	1,130.00	
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Division of Entomology, Plant Inspection and Quarantine.....		48,000.00
A. Personal Services..	35,100.00	
B. Other Current Ex- penses	8,125.00	
C. Equipment	2,500.00	
D. Structures and Per- manent Improve- ments to Land....	2,275.00	
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Buildings	\$ 2,275.00	
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Division of Entomology, Beneficial Insect and Birds		5,000.00
B. Other Current Ex- penses	5,000.00	
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Division of Entomology, Termite Control....		26,675.00
A. Personal Services..	19,800.00	
B. Other Current Ex- penses	6,475.00	
C. Equipment	400.00	
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Division of Animal In- dustry		109,240.00
A. Personal Services..	80,880.00	
B. Other Current Ex- penses	19,460.00	
C. Equipment	3,900.00	
Motor Vehicles	\$ 1,400.00	
Other Equipment..	2,500.00	
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E. Structures and Per- manent Improve- ments to Land.....	5,000.00	
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Buildings	\$ 5,000.00	
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Eradication of Bovine Tuberculosis		45,100.00

A. Personal Services..	2,400.00	
B. Other Current Ex- penses	2,450.00	
C. Equipment	250.00	
G. Capital Outlays for Rights and Ob- ligations	40,000.00	
Refunds, Awards and Indemnities \$	40,000.00	
Division of Fish and Game		61,590.00
A. Personal Services..	46,440.00	
B. Other Current Ex- penses	14,375.00	
C. Equipment	775.00	
Total, Board of Agriculture and Forestry		\$ 636,340.00
BOARD OF HARBOR COMMISSIONERS		
Board of Harbor Com- missioners, Proper		\$ 20,160.00
A. Personal Services..	14,160.00	
B. Other Current Ex- penses	6,000.00	
Harbor Masters and Pilots		105,500.00
A. Personal Services..	77,880.00	
B. Other Current Ex- penses	26,295.00	
C. Equipment	1,325.00	
Motor Vehicles\$	875.00	
Other Equipment..	450.00	
Fire Boats		6,000.00
F. Fixed Charges	6,000.00	
Subsidies\$	6,000.00	
Maintenance and Addi- tions, Landings,		

Wharves and Pipelines, and other property under the control of the Board of Harbor Commissioners		207,800.00
A. Personal Services..	150,100.00	
B. Other Current Expenses	50,000.00	
Repair of Kaupo Landing—Maui	2,500.00	
C. Equipment	1,200.00	
Kaunakakai Wharf Lights	\$ 1,200.00	
E. Structures and Permanent Improvements to Land....	4,000.00	
Road—Kalanianaʻole Street to Pier 3—Hilo	\$ 4,000.00	
Total, Board of Harbor Commissioners		\$ 339,460.00

BOARD OF HEALTH

General Office		\$ 95,031.00
A. Personal Services..	78,480.00	
President	\$ 14,400.00	
Other Personal Services	64,080.00	
B. Other Current Expenses	14,990.00	
C. Equipment	1,561.00	
Bureau of Vital Statistics		42,640.00
A. Personal Services..	30,240.00	
B. Other Current Expenses	9,800.00	
C. Equipment	2,600.00	

Bureau of Sanitation.....		196,265.00
A. Personal Services..	165,600.00	
B. Other Current Ex-		
penses	25,000.00	
C. Equipment	5,665.00	
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Motor Vehicles\$	4,650.00	
Other Equipment..	1,015.00	
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Plague Campaign		48,995.00
A. Personal Services..	32,400.00	
B. Other Current Ex-		
penses	16,000.00	
C. Equipment	595.00	
	<hr/>	
Quarantine Service:		
General Service....		62,820.00
A. Personal Services..	23,520.00	
B. Other Current Ex-		
penses	38,000.00	
C. Equipment	1,300.00	
	<hr/>	
Motor Vehicles.....	800.00	
Other Equipment..	500.00	
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Quarantine Service:		
Quarantine Sta-		
tions		14,570.00
A. Personal Services..	6,120.00	
B. Other Current Ex-		
penses	8,000.00	
C. Equipment	450.00	
	<hr/>	
Bacteriological Labora-		
tories		21,500.00
A. Personal Services..	18,000.00	
B. Other Current Ex-		
penses	3,000.00	
C. Equipment	500.00	
	<hr/>	
Agents (Government		
Physicians)		79,800.00
A. Personal Services..	79,800.00	
	<hr/>	
Pure Food and Drugs....		25,400.00

A. Personal Services..	21,600.00	
B. Other Current Ex- penses	3,500.00	
C. Equipment	300.00	
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Tuberculosis: Govern- ment Hospital (Puumaile Home)	137,948.00	
Less Amount pro- vided by Act 208, S. L. 1931.....	40,000.00	97,948.00
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A. Personal Services..	53,570.00	
B. Other Current Ex- penses	71,474.00	
C. Equipment	8,904.00	
E. Structures and Per- manent Improve- ment to Land....	4,000.00	
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Buildings\$	4,000.00	
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Tuberculosis: Private Hospitals		395,000.00
F. Fixed Charges	395,000.00	
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Leahi Home	\$200,000.00	
Kula Sanitarium....	115,000.00	
Samuel Mahelona Memorial Hos- pital	80,000.00	
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Bureau of Public Health Nursing		191,025.00
A. Personal Services..	150,120.00	
B. Other Current Ex- penses	27,850.00	
C. Equipment	13,055.00	
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Motor Vehicles\$	10,000.00	
Other Equipment..	3,055.00	
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Tuberculosis Bureau.....		31,892.00
A. Personal Services..	18,600.00	
B. Other Current Ex- penses	11,292.00	

C. Equipment	2,000.00	
Bureau of Maternal and Infant Hygiene and Child Welfare		14,800.00
A. Personal Services..	\$ 8,400.00	
B. Other Current Ex- penses	4,900.00	
C. Equipment	1,500.00	
Territorial Hospital.....		630,393.00
A. Personal Services..	\$355,720.00	
B. Other Current Ex- penses	250,673.00	
C. Equipment	24,000.00	
Kapiolani Girls' Home..		47,830.00
A. Personal Services..	11,280.00	
B. Other Current Ex- penses	35,000.00	
C. Equipment	1,550.00	
Kalihi Boys' Home.....		62,570.00
A. Personal Services..	\$ 25,320.00	
B. Other Current Ex- penses	36,000.00	
C. Equipment	1,250.00	
Boards of Examiners....		950.00
A. Personal Services..	\$ 250.00	
B. Other Current Ex- penses	700.00	
Total, Board of Health		<u>\$2,059,429.00</u>

BOARD OF LEPER HOSPITALS AND SETTLEMENT

General Office		\$ 55,400.00
A. Personal Services..	\$ 44,400.00	
B. Other Current Ex- penses	7,500.00	
C. Equipment	3,500.00	

L e p e r Settlement and Kalihi Hospital		798,760.00
A. Personal Services..	\$262,860.00	
B. Other Current Ex- penses	453,000.00	
C. Equipment	36,200.00	
Motor Vehicles ...\$	5,800.00	
Other Equipment..	22,900.00	
M o t i o n Picture Equipment	7,500.00	
E. Structures and Per- manent Improve- ments to Land..	11,500.00	
Calvanist Parson- age, Kalaupapa..\$	3,500.00	
H i g h w a y s and Trails	8,000.00	
F. Fixed Charges	35,200.00	
Grants, Subsidies and Contribu- tions	\$ 35,200.00	
<p>It being provided that from this amount of \$35,200 a cash allowance of \$20.00 per an- num shall be paid to each inmate of the Kalihi Hospital and the Kalaupapa Settlement, which shall be paid quar- terly.</p>		
Aiding Indigent Persons released from the Kalihi Hospital and the Leper Settle- ment, Kalaupapa		3,500.00
F. Fixed Charges	3,500.00	
Grants, Subsidies and Contribu- tions	\$ 3,500.00	

Annual Trips of children to visit p a r e n t s, Kalaupapa		800.00
B. Other Current Ex- penses	\$ 800.00	
Relief of Persons re- leased from Kalihi Hospital and Ka- laupapa		12,000.00
F. Fixed Charges	\$ 12,000.00	
Grants, Subsidies a n d Contribu- tions	\$ 12,000.00	
Total, Board of Leper Hospitals and Settlement..		\$ 870,460.00

HOME FOR FEEBLE-MINDED PERSONS

Waimano Home		\$ 220,663.00
A. Personal Services..	\$ 77,400.00	
B. Other Current Ex- penses	85,000.00	
C. Equipment	33,263.00	
Motor Vehicles	\$ 3,963.00	
Other Equipment..	29,300.00	
E. Structures and Per- manent Improve- ments to Land..	25,000.00	
Enlarging Dormi- tories; laundry, water tank	\$ 20,000.00	
Cyclone fence, etc.	5,000.00	
Total, Home for Feeble - minded Persons		\$ 220,663.00

INDUSTRIAL ACCIDENT BOARDS

County of Hawaii.....		\$ 3,850.00
A. Personal Services..	\$ 3,000.00	
B. Other Current Ex-		
penses	750.00	
C. Equipment	100.00	
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County of Kauai.....		\$ 1,475.00
A. Personal Services..	\$ 1,200.00	
B. Other Current Ex-		
penses	275.00	
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County of Maui.....		5,400.00
A. Personal Services..	\$ 3,600.00	
B. Other Current Ex-		
penses	1,800.00	
	<hr/>	
Oahu		20,226.00
A. Personal Services..	\$ 16,200.00	
B. Other Current Ex-		
penses	4,026.00	
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T o t a l, Industrial		
Accident Boards		<u>\$ 30,951.00</u>

BOARD OF INDUSTRIAL SCHOOLS

Board of Industrial		
Schools, Proper		\$ 8,100.00
A. Personal Services..	\$ 6,600.00	
B. Other Current Ex-		
penses	1,500.00	
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Kawailoa Training School		
for Girls		140,495.00
A. Personal Services..	\$ 68,520.00	
B. Other Current Ex-		
penses	55,900.00	
C. Equipment	15,625.00	
Motor Vehicles	\$ 1,575.00	
Other Equipment..	14,050.00	
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E. Structures and Per-		
manent Improve-		
ments to Land..	450.00	
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Buildings	\$ 450.00	
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Waialeale Training School for Boys.....		202,740.00
A. Personal Services..	\$ 86,640.00	
B. Other Current Ex- penses	97,600.00	
C. Equipment	18,500.00	
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Motor Vehicles	\$ 1,000.00	
Other Equipment..	17,500.00	
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Total, Board of In- dustrial Schools		<u>\$ 351,335.00</u>

LIBRARIES

Library of Hawaii.....		\$ 212,580.00
A. Personal Services..	\$139,200.00	
B. Other Current Ex- penses	31,740.00	
C. Equipment	41,640.00	
	<hr/>	
Hilo Library		57,260.00
A. Personal Services..	31,280.00	
B. Other Current Ex- penses	10,630.00	
C. Equipment	15,350.00	
	<hr/>	
Kauai Public Library Association, Ltd. ..		31,200.00
A. Personal Services..	\$ 16,200.00	
B. Other Current Ex- penses	5,000.00	
C. Equipment	10,000.00	
	<hr/>	
Maui County Free Li- brary		45,360.00
A. Personal Services..	\$ 23,960.00	
B. Other Current Ex- penses	10,000.00	
C. Equipment	11,400.00	
	<hr/>	
Total, Libraries		<u>\$ 346,400.00</u>

BOARD OF COMMISSIONERS OF PUBLIC ARCHIVES

Public Archives		\$ 21,500.00
A. Personal Services..	\$ 19,200.00	
B. Other Current Ex-		
penses	1,675.00	
C. Equipment	625.00	
	<hr/>	<hr/>
Total, Board of		
Commissioners of		
Public Archives		\$ 21,500.00
		<hr/>

EMPLOYEES' RETIREMENT SYSTEM OF THE TERRITORY
OF HAWAII

Administrative Expenses		\$ 44,320.00
A. Personal Services..	\$ 40,320.00	
B. Other Current Ex-		
penses	3,000.00	
C. Equipment	1,000.00	
	<hr/>	
Pension Accumulation		
Fund		295,598.00
F. Fixed Charges	\$295,598.00	
	<hr/>	
Contribution to Pension		
Accumulation		
Fund	\$295,598.00	
	<hr/>	<hr/>
Total, Employees'		
Retirement Sys-		
tem of the Ter-		
ritory of Hawaii		\$ 339,918.00
		<hr/>

UNIVERSITY OF HAWAII

Administration and Gen-		
eral		\$ 58,150.00
A. Personal Services..	\$ 47,600.00	
President	\$ 20,000.00	
Other Personal		
Services	27,600.00	
	<hr/>	
B. Other Current Ex-		
penses	10,000.00	
C. Equipment	550.00	
	<hr/>	

Physical Plant Operation and Maintenance		58,600.00
A. Personal Services..	\$ 38,600.00	
B. Other Current Expenses	20,000.00	
	<hr/>	
Shop Operations		12,405.00
A. Personal Services..	\$ 8,280.00	
B. Other Current Expenses	4,000.00	
C. Equipment	125.00	
	<hr/>	
Physical Plant Extensions		5,000.00
C. Equipment	\$ 5,000.00	
	<hr/>	
Resident Instruction		346,750.00
A. Personal Services..	\$314,250.00	
B. Other Current Expenses	18,000.00	
C. Equipment	14,500.00	
	<hr/>	
Library		51,860.00
A. Personal Services..	\$ 36,360.00	
B. Other Current Expenses	1,000.00	
C. Equipment	14,500.00	
	<hr/>	
Extension		9,040.00
A. Personal Services..	\$ 8,040.00	
B. Other Current Expenses	800.00	
C. Equipment	200.00	
	<hr/>	
Hawaii Experiment Station		29,465.00
A. Personal Services..	\$ 21,600.00	
B. Other Current Expenses	6,865.00	
C. Equipment	1,000.00	
	<hr/>	
Psychological Clinic		21,200.00
A. Personal Services..	\$ 19,200.00	
B. Other Current Expenses	1,800.00	
C. Equipment	200.00	
	<hr/>	

Agricultural Extension.. 48,000.00

B. Other Current Ex-

penses

\$ 45,000.00

It being provided that this appropriation shall be payable to the University of Hawaii in total by a single warrant or by several warrants representing periodical allotments, provided, however, that disbursements shall be regularly audited by the Federal Auditor and be subject to the same limitations as respects the character of expenditures as the Federal funds which it offsets.

For Rat Eradication, Kona District, Hawaii.....

3,000.00

To be expended by the University in coöperation with the coffee growers of Kona, provided, however, that said growers turn over to the University a fund of at least \$3,000.00, making the total to be expended by the University for this purpose at least \$6,000.00.

Aquarium		3,600.00
B. Current Expenses	\$ 3,600.00	
Total, University of Hawaii		<u>\$ 644,070.00</u>

AERONAUTICAL COMMISSION

Aeronautical Commission		\$ 20,000.00
B. Current Expenses..	\$ 20,000.00	
Total, Aeronautical Commission		<u>\$ 20,000.00</u>

HISTORICAL COMMISSION

Historical Commission ..		\$ 8,400.00
A. Personal Services..	\$ 7,800.00	
B. Other Current Ex- penses	300.00	
C. Equipment	300.00	
Total, Historical Commission		<u>\$ 8,400.00</u>

HAWAII TOURIST BUREAU

Hawaii Tourist Bureau..		\$ 150,000.00
F. Fixed Charges	\$150,000.00	
Contribution for Promotion and Publicity	\$150,000.00	

Provided that this appropriation shall become available from time to time in fractional amounts equal to the amounts then received from individuals and business organizations within the Territory by said Ha-

waii Tourist Bureau, constituted as specified in the similar item of Act 255, S. L. 1929, and provided, further, that \$25,000 from this appropriation shall be set aside, and be available and paid over and advanced to the authorities in charge of the Pan-Pacific International Games to be conducted in Honolulu in 1932 for the purpose of defraying the expenses thereof, when and if the sum of at least \$25,000 is contributed for the same purpose from private sources and conditioned upon the express agreement of such authorities that any unused portion thereof be covered into this item, and that any profits realized from such games shall be first applied to reimburse this item to the extent of outstanding advances therefrom as herein provided for. Such sum of \$25,000, if not used for said games, and

any reimburse-
ments to this item
for advances made
therefrom shall be-
come available for
allotment to the
Tourist Bureau in
in the manner
hereinabove pro-
vided.

Total, Hawaii		
Tourist Bureau..		<u>\$ 150,000.00</u>

LUNALILO HOME

Lunalilo Home		\$ 24,000.00
F. Fixed Charges	<u>\$ 24,000.00</u>	

Contributions for
support of.....\$ 24,000.00

Total, Lunalilo		
Home		<u>\$ 24,000.00</u>

PAN-PACIFIC UNION

Pan-Pacific Union		\$ 15,000.00
F. Fixed Charges	<u>\$ 15,000.00</u>	

Contribution for
Promotion and
Publicity\$ 15,000.00

Total, Pan-Pacific		
Union		<u>\$ 15,000.00</u>

GRAND TOTAL		
OF TOTALS ..		<u>\$8,789,569.00</u>

SECTION 2. Changes and transfers may be made by the head of a department or establishment with the approval of the Governor, within the foregoing schedule of appropriations, for any organization unit of such department or establishment, as to "Personal Services," "Other Current Expenses" or "Equipment." Provided, however, that in cases where no appropriation is made for "Equipment" for such organization unit of a department or estab-

lishment, the head of such department or establishment may, with the approval of the Governor, create such appropriation by changes or transfers from "Personal Services" or "Other Current Expenses" or both. And provided, further, that no change shall be made with respect to personal services specifically named.

SECTION 3. This Act shall take effect from and after July 1, 1931.

Approved this 22nd day of May, A. D., 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 288

[S. B. No. 70]

AN ACT TO PROVIDE FOR THE REORGANIZATION OF THE TERRITORIAL SYSTEM FOR THE CARE AND TREATMENT OF LEPROSY AND THE REHABILITATION AND IMPROVEMENT OF THE LEPER SETTLEMENT AT KALAUPAPA AND THE KALIHI RECEIVING HOSPITAL, AND APPROPRIATING FOR SAID PURPOSES MONEYS IN THE FUND PROVIDED FOR BY SECTION 344 OF THE REVISED LAWS OF HAWAII 1925.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The superintendent of public works of the territory is hereby authorized and directed under the direction and with the approval of the board of leper hospitals and settlement immediately to prepare plans and specifications for the institution of a program of construction for the rehabilitation and improvement of the leper settlement at Kalaupapa and the Kalihi receiving hospital on Oahu.

SECTION 2. The provisions of Chapter 107 of the Revised Laws of Hawaii 1925, as amended, and/or any other law imposing restrictions upon the expenditure of public moneys by contract or otherwise, excepting, however, such provisions as require the expenditure of public moneys to be properly made for the specific project or projects for which the same are appropriated, shall be and are hereby declared inapplicable to expenditures to be made under this Act other than (1) expenditures made for or in connection with any improvements at Kalihi and (2) expenditures made for or in connection with any of the improvements specifically mentioned in items Nos. (1) to (5), both inclusive, set forth in Section 3 of this Act.

SECTION 3. All moneys, amounting to the sum of six hundred thousand dollars (\$600,000.00) in the school cash basis fund created and provided for by Section 344 of the Revised Laws of Hawaii 1925, are hereby transferred to a special fund, hereby created, to be known as the "special leprosy fund." Said fund, together with interest accumulations, is hereby appropriated for the control and eradication of leprosy in the territory.

Out of said fund there shall be expended during the 1931-1933 fiscal biennium seventy-five thousand dollars (\$75,000.00), but no more, for the rehabilitation and improvement of said Kalihi receiving hospital by repairs to existing buildings, the erection of needed new buildings and additions and the acquisition of new or repair of old furnishings and equipment, and not more than three hundred thousand dollars (\$300,000.00) for the rehabilitation and improvement of the leper settlement at Kalaupapa, out of which latter amount there is to be expendable not more than the following amounts for the following specific projects, which projects shall be undertaken during said biennium:

(1) McVeigh Home (new buildings, furnishings and equipment)	\$52,500.00
(2) Bishop Home (new buildings, furnishings and equipment)	56,000.00
(3) New hospital (new buildings, furnishings and equipment)	50,000.00
(4) Ice plant (new buildings, furnishings and equipment)	10,600.00
(5) General Warehouse (new buildings, furnishings and equipment)	8,500.00

Any unrequired balances in any of the last-mentioned items shall be available as a part of the said three hundred thousand dollars (\$300,000.00) expendable as above provided for.

No moneys in addition to the total amount of three hundred seventy-five thousand dollars (\$375,000.00) authorized to be expended by this Act during the 1931-1933 biennium shall, however, be expended from said special leprosy fund without further specific authorization by the legislature.

All expenditures hereunder shall be made upon vouchers approved by the chairman of the board of leper hospitals and settlement; provided, however, that all contracts entered into for the construction, reconstruction or repair of any buildings and/or improvements under this Act, shall be entered into on behalf of the territory by the superintendent of public works with the approval of the board of leper hospitals and settlement, and that all payments made under or pursuant to any such contract shall be ex-

pended on vouchers approved jointly by the superintendent of public works and the chairman of said board.

SECTION 4. The auditor and treasurer of the territory are hereby directed in all respects to comply with the provisions of this Act.

SECTION 5. This Act shall take effect upon its approval as to the provisions of Section 1 thereof, and shall take effect on July 1, 1931, as to the remaining provisions thereof.

Approved this 22nd day of May, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

ACT 289

[S. B. No. 158]

AN ACT FOR THE RELIEF OF WALTER W. McDougall.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The sum of one hundred and fifty dollars (\$150.00) is hereby appropriated out of the general revenues of the territory for the purpose of reimbursing Walter W. McDougall, residing at Lahaina, County of Maui, for damages suffered by him by reason of the destruction of his boat on February 12, 1930, at Mala Wharf, Lahaina aforesaid, by a raft owned by the territory.

SECTION 2. The treasurer of the territory is hereby authorized and directed to pay said sum to said Walter W. McDougall.

SECTION 3. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives on the 22nd day of May, 1931.

ROY A. VITOUSEK,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate on the 22nd day of May, 1931.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

ACT 290

[H. B. No. 246]

AN ACT TO REIMBURSE CROZIER BROTHERS FOR LOSSES SUSTAINED IN CARRYING OUT THE TERMS OF A CONTRACT ENTERED INTO WITH THE SUPERINTENDENT OF PUBLIC WORKS OF THE TERRITORY OF HAWAII FOR THE FILLING OF ALAMIHI POND.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay, upon a warrant drawn by the auditor of the territory, the sum of four thousand eight hundred ninety-six and 00/100 dollars (\$4,896.00) to William H. Crozier, Jr., and Clarence A. Crozier, copartners doing business under the firm name of Crozier Brothers, for the purpose of reimbursing them for losses sustained in carrying out the terms of that certain contract entered into with the superintendent of public works of the Territory of Hawaii on or about the 14th day of June, 1929, for the filling of Alamihi Pond, at Lahaina, County of Maui.

SECTION 2. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and

Noes, approved by a two-thirds vote of the elective members of the House of Representatives on the 22nd day of May, 1931.

ROY A. VITOUSEK,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate on the 22nd day of May, 1931.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

ACT 291

[H. B. No. 250]

AN ACT TO REIMBURSE GEORGE K. MANOHA FOR CERTAIN SUM OF MONEY PAID BY HIM FOR THE LOSS OF HAWAII NATIONAL GUARD PROPERTY ERRONEOUSLY CHARGED AGAINST HIM.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The treasurer of the Territory of Hawaii is hereby authorized and directed to pay, upon a warrant drawn by the auditor of the territory, the sum of three hundred forty-nine and 50/100 dollars (\$349.50) to George K. Manoha, for the purpose of reimbursing said George K. Manoha for said amount paid by him for the loss of Hawaii National Guard property erroneously charged against him during his captaincy of Company "C", Hawaii National Guard for the period 1921-1922.

SECTION 2. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives on the 22nd day of May, 1931.

ROY A. VITOUSEK,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate on the 22nd day of May, 1931.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

ACT 292

[H. B. No. 359]

AN ACT PROVIDING FOR THE DISQUALIFICATION OF A JUDGE BECAUSE OF PERSONAL BIAS OR PREJUDICE BY HIM EITHER AGAINST A PARTY OR IN FAVOR OF AN OPPOSITE PARTY.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Whenever a party to any suit, action or proceeding, whether at law, in equity, criminal, or special proceeding, shall make and file an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against him or in favor of any opposite party to the suit, such judge shall be disqualified from proceeding therein. Every such affidavit shall state the facts and the reasons for the belief

that such bias or prejudice exists and shall be filed before the trial or hearing of the action or proceeding, or good cause shall be shown for the failure to file it within such time. No party shall be entitled in any case to file more than one such affidavit; and no such affidavit shall be filed unless accompanied by a certificate of counsel of record that such affidavit is made in good faith. Any judge may disqualify himself by filing with the clerk of the court of which he is a judge a certificate that he deems himself unable for any reason to preside with absolute impartiality in the pending suit or action.

SECTION 2. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives on the 22nd day of May, 1931.

ROY A. VITOUSEK,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate on the 22nd day of May, 1931.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

ACT 293

[H. B. No. 446]

AN ACT TO AMEND SECTION 922 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO CIVIL SERVICE, BOARD OF HEALTH.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. Section 922 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 922. Examination of present employees not required. This chapter shall not be considered to require the examination of any person employed on or before July 1, 1931, under or in the board of health."

SECTION 2. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives on the 22nd day of May, 1931.

ROY A. VITOUSEK,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing Bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate on the 22nd day of May, 1931.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

ACT 294

[S. B. No. 174]

AN ACT TO AMEND SECTION 2416 OF THE REVISED LAWS OF HAWAII 1925, RELATING TO THE EXAMINATION OF JURORS FOR CAUSE.*Be it Enacted by the Legislature of the Territory of Hawaii:*

SECTION 1. Section 2416 of the Revised Laws of Hawaii 1925, is hereby amended to read as follows:

"Sec. 2416. Examination for cause. Either party shall have the right to examine a proposed juror as to his qualifications, interest or bias that would affect the trial of the cause and shall have the right under the direction of the court to examine such juror as to any matter that might tend to affect his verdict. Either party may introduce competent evidence to show the disqualification, interest or bias of any juror."

SECTION 2. This Act shall take effect upon the date of its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate of the Territory of Hawaii, this 22nd day of May, A. D. 1931.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

**THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII**

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the

House of Representatives of the Territory of Hawaii, this 22nd day of May, A. D. 1931.

ROY A. VITOUSEK,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

ACT 295

[S. B. No. 220]

AN ACT REAPPROPRIATING FOR A WAR MEMORIAL TO THE MEN AND WOMEN FROM THE COUNTY OF HAWAII WHO SERVED DURING THE GREAT WAR A PORTION OF THE FUNDS HERETOFORE APPROPRIATED BY ACT 59 OF THE SESSION LAWS OF 1929, AND REPEALING SAID ACT 59 OF THE SESSION LAWS OF 1929.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. There is hereby reappropriated out of the funds heretofore appropriated by Act 59 of the Session Laws of 1929, the sum of twenty thousand dollars (\$20,000.00), or so much thereof as may be necessary, for the purpose of constructing a suitable memorial at or near Cocoanut Island, in the city of Hilo, county of Hawaii, to the men and women from the county of Hawaii who served during the Great War, said memorial to be constructed upon plans and specifications approved by the superintendent of public works.

SECTION 2. The moneys herein appropriated shall be available and expendable by the board of supervisors of the county of Hawaii only when a like sum shall have been raised by private subscription and deposited with the moneys herein appropriated.

SECTION 3. Act 59 of the Session Laws of 1929, is hereby repealed.

SECTION 4. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and

Noes, approved by a two-thirds vote of the elective members of the Senate of the Territory of Hawaii this 22nd day of May, A. D. 1931.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives of the Territory of Hawaii this 22nd day of May, A. D. 1931.

ROY A. VITOUSEK,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

ACT 296

[S. B. No. 237]

AN ACT TO PROVIDE FOR THE REFUNDING OF THE INDEBTEDNESS
OF PUBLIC IMPROVEMENT DISTRICTS OF THE CITY AND
COUNTY OF HONOLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The board of supervisors of the city and county of Honolulu is hereby authorized and empowered to provide for the refunding of the outstanding indebtedness of improvement districts located within said city and county, which were created according to law prior to December 31, 1930, in the manner hereinafter provided. The refunding project shall be initiated in the following manner:

SECTION 2. The owners of real property in any improvement district whose property represents 75% or more of the outstanding improvement assessments at the time of the filing of the petition shall if it is desired that the indebtedness of the district be

refunded, file with the board of supervisors a petition, which petition shall set forth the indebtedness of the district, that it is desired that the indebtedness be refunded, and the proposed method of refunding the outstanding indebtedness. The board of supervisors shall thereupon by resolution, requiring not more than one reading for its adoption, direct the city and county engineer to investigate and report to the board the amount of unpaid assessments and the property subject to the same in the improvement district, the detail of any delinquent assessments and of any unpaid penalties, whether the petitioners own real estate representing 75% or more of the unpaid assessments in the district, the proposed method of reassessment of the lands subject to existing assessments, a new assessment roll showing the proposed new assessments, the cost of the proposed refunding scheme, and other details which may be necessary to carry into effect the proposed refunding project. Such report of the engineer shall be filed with the board. Within seven days after the filing of the engineer's report the petitioners shall deposit with the city and county treasurer a sum sufficient to meet the cost of the refunding project as reported by the engineer.

Thereafter the board shall, by resolution requiring one reading for its adoption, propose the adoption of the suggested refunding plan specifying the outstanding indebtedness of the district, that the owners of land representing not less than 75% of the unpaid improvement assessments have petitioned that the outstanding indebtedness of the district be refunded, the proposed refunding plan in detail, and the proposed method of reassessment, including the minimum number of installment payments to be proposed, and the maximum estimated unit of assessment. The resolution shall refer to and incorporate by reference the preliminary assessment roll and such other data reported by the engineer as shall be approved by the board. The resolution shall also fix the date of public hearing upon such plan, which date shall not be less than fifteen days after the first publication of notice thereof in a newspaper of general circulation in the city and county of Honolulu. After the adoption of the resolution, the city and county clerk shall cause a notice of said public hearing to be published as provided in section 1854 of the Revised Laws of Hawaii 1925, as amended, giving notice generally to all owners, lessees, and occupants of the land still under assessment in the improvement district, and to all others interested in the general detail of the proposed refunding plan, stating the time and place of such public hearing and where the resolution, preliminary assessment roll, and other data may be seen and examined prior to said hearing. Like notices shall be posted in three of the most conspicuous places in the improvement district for which the outstanding bonds are

issued. Affidavits of publication, both in the newspaper and of the posting, respectively, shall be filed with the board at the hearing.

Any owner of property, the assessments on which to pay the outstanding indebtedness have not been fully discharged, may at any time prior to or at the public hearing, file in writing with the board any protest, objection or suggestion as to the proposed refunding measure, stating briefly the reason therefor, or may present the same in person orally at the public hearing. If the owners of real property representing 30% or more, of the outstanding improvement assessments shall at the hearing, or prior thereto, file with the board written protests duly acknowledged by such owners against the proposed refunding project, or against any part of the plan therefor, the same shall not be made contrary to such protest. If the said protest is against the adoption of any refunding plan, the same shall not be made, and the proceedings shall not be renewed within one year from the date of closing the public hearing, unless each and every owner protesting shall sooner withdraw his protest.

Provided, that any lessee of any property to be assessed under this chapter who by the express terms of his lease must pay the kind of assessments contemplated by this chapter shall be subrogated to all the rights of such owner to protest by filing with the board prior to or at the hearing a certified copy of his lease, together with a citation of the book and page of the public record of the same if it be recorded.

Provided, however, that any lessor of such lessee aforesaid, or any owner of such property to be assessed, may, at any time before the closing of the public hearing, make void the protest or the right of protest of any such lessee of such property on consideration of filing with the board a duly acknowledged waiver of the stipulation in such lease which requires the lessee to pay such special assessment, and a written undertaking by such lessor or owner to pay the special assessment to be made under such proposed improvement. The board shall also at said hearing sit as a board of equalization to receive complaints or objections respecting the total amounts of the proposed assessments.

SECTION 3. Determination by supervisors. After the hearing provided for above the board shall consider any protests or suggestions which may have been made and on file and whether sufficient valid protests have been filed to compel it to abandon the proposed refunding plan. If the board still has jurisdiction to continue, it shall then proceed, determine whether or not the refunding plan shall be adopted as proposed, or adopted with modifications, and in the latter event the clerk shall be directed to again

give notice of the hearing as provided in Section 2. If after such initial and further advertisement and hearing the board shall have determined to proceed with the refunding measure, it shall by ordinance requiring not more than one reading for its adoption, promulgate the refunding measure. Should the refunding project provide for the issuance of new bonds in the improvement district, the ordinance shall provide for the form of new bonds to be issued, approve of the assessment roll, and incorporate the same by reference, which said assessment roll as provided in section 1859 of the Revised Laws of Hawaii 1925, as amended, shall contain only the names of the property owners who have not fully paid the assessments originally provided for the payment of the outstanding improvement bonds and shall provide for the levying of new assessments in amounts sufficient to retire the refunding bonds to be issued pursuant to the terms hereof. After the final enactment of such ordinance the amounts of the several assessments so listed, advertised, or incorporated, not previously objected to, shall conclusively be presumed to be just and equitable and not in excess of the special benefits accruing or to accrue by reason of the original improvement project. Upon final passage of the ordinance as provided above, all assessments therein made shall be a lien in the same manner and to the same extent as provided in section 1863 of the Revised Laws of Hawaii 1925, as amended. Provided, however, that in no case shall this new assessment constitute a lien on property which has been discharged from the payment of the original assessment.

SECTION 4. Bonds issued for the refunding of the outstanding indebtedness of any improvement district shall bear the name of the improvement district for which they are issued, shall be payable to bearer and shall be in the form and issued and sold and subject to call and under all the other conditions and terms as prescribed by sections 1869 to 1873, both inclusive, of the Revised Laws of Hawaii 1925, as amended, except as otherwise prescribed in this Act.

A lower rate of interest than authorized in the original issue of bonds may be prescribed and the refunding bonds may be authorized to run for a term not to exceed ten years from the maturity date of the outstanding bonds.

SECTION 5. The provisions of sections 1864 and 1865 of the Revised Laws of Hawaii 1925, as amended, relating respectively to the payment of the assessments in installments and the effect of failure to pay installments, are hereby incorporated herein by reference, provided that the maximum number of annual installments in which the assessment as provided for herein may be paid shall be dependent upon the term of the bonds.

SECTION 6. If the petition is filed and acknowledged by the owners of land representing 100% of the unpaid assessments in any improvement district, and by all lessees of any property to be assessed under the terms of this Act, who, by the express terms of their respective leases must pay the kind of assessments contemplated by this Act, unless the lessor of such lease shall with said petition file a duly acknowledged waiver of the stipulation in such lease which requires the lessee to pay such special assessments, and a written undertaking by such lessor or owner to pay the special assessments to be made under the proposed refunding plan, then the board upon the payment to the city and county treasurer of the cost of the refunding plan, as estimated by the engineer, shall as provided above proceed to have a hearing on the proposed new method of assessment and the assessment roll, provided that in case the owners of 100% as aforesaid shall, in writing, consent to the amount and apportionment of the proposed assessments under such refunding plan, it shall be unnecessary to give the notice or to hold any of the hearings specified above and the board may immediately proceed to fix the assessment in the manner provided for above in this Act.

SECTION 7. Should the refunding project provide for the retirement of the outstanding bonds of the improvement district, the treasurer of the city and county of Honolulu shall stamp such retired bonds "cancelled" and shall keep such cancelled bonds in his possession.

SECTION 8. All of the provisions of sections 1851 to 1873 of the Revised Laws of Hawaii 1925, as amended, applicable hereto and not inconsistent with the provisions hereof, are hereby adopted and made a part of this Act by reference.

SECTION 9. Nothing herein contained shall be construed as giving the board of supervisors of the city and county of Honolulu or any improvement district authority to impair the obligations of the improvement district under any outstanding improvement district bonds.

SECTION 10. All laws and parts of laws in conflict herewith are hereby repealed.

SECTION 11. This Act shall take effect upon its approval.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and

Noes, approved by a two-thirds vote of the elective members of the Senate of the Territory of Hawaii this 22nd day of May, A. D. 1931.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives of the Territory of Hawaii this 22nd day of May, A. D. 1931.

ROY A. VITOUSEK,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

ACT 297

[H. B. No. 143]

AN ACT AUTHORIZING AND DIRECTING THE MAYOR AND THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONOLULU TO APPROPRIATE THE SUM OF ONE HUNDRED SIXTY-EIGHT AND 75/100 DOLLARS (\$168.75) TO REIMBURSE AN-TONE G. SILVA, A MOTORCYCLE OFFICER OF THE CITY AND COUNTY OF HONLULU.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. The mayor and the board of supervisors of the City and County of Honolulu are hereby authorized and directed to appropriate out of the general fund the sum of one hundred sixty-eight and 75/100 dollars (\$168.75) for the purpose of reimbursing Antone G. Silva, a motorcycle officer of the City and

County of Honolulu, for motorcycle damages sustained by him while in the performance of his duty.

SECTION 2. This Act shall take effect upon its approval.

THE HOUSE OF REPRESENTATIVES OF THE
TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives on the 22nd day of May, 1931.

ROY A. VITOUSEK,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate on the 22nd day of May, 1931.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

ACT 298

[H. B. No. 415]

AN ACT ADDING A NEW CHAPTER, NUMBERED 132A, AND NINE NEW SECTIONS, NUMBERED RESPECTIVELY 2210A TO 2210I, TO TITLE XXIV OF THE REVISED LAWS OF HAWAII 1925, PROVIDING FOR THE CONTROL AND REGULATION OF THE OPERATION OF MACHINES, APPLIANCES, DEVICES OR APPARATUS RADIATING ELECTRICAL OR RADIO ENERGY AND/OR CREATING RADIO INTERFERENCES, PROVIDING FOR THE MINIMIZING OR ELIMINATING OF RADIO INTERFERENCES, AND CONFERRING AND IMPOSING CERTAIN POWERS, DUTIES AND FUNCTIONS IN CONNECTION THEREWITH UPON THE PUBLIC UTILITIES COMMISSION.

Be it Enacted by the Legislature of the Territory of Hawaii:

SECTION 1. A new chapter, to be numbered Chapter 132A, and nine new sections, to be numbered Sections 2210A to 2210I, respectively, are hereby added to Title XXIV of the Revised Laws of Hawaii 1925, to read as follows:

"CHAPTER 132A

"CONTROL AND REGULATION OF RADIO INTERFERENCE.

"Section 2210A. Definitions; public utilities commission to administer provisions. Whenever used in this chapter the term 'apparatus' shall mean and include all machines, appliances, devices, equipment and/or apparatus coming within the purview of Section 2210E of this chapter; and the term 'commission' shall mean the public utilities commission of the Territory, which is hereby charged with the administration and enforcement of the provisions of this chapter.

"Section 2210B. Meetings. The commission shall hold meetings at least twice each year and at such other times as may be necessary for the conduct of its business in connection with the administration and enforcement of the provisions of this chapter.

"Section 2210C. Agents. The commission shall have power to appoint and remove at its pleasure agents in such number as may be necessary to efficiently conduct the business of the commission under this chapter in all outlying districts and islands of the Territory other than in Oahu. The commission may require such agents to give bond for the faithful performance of their duties.

"Section 2210D. Powers. The commission shall have the following powers in addition to any others granted by this chapter:

"(a) From time to time to make and to modify, amend or repeal such rules and regulations not inconsistent with this chapter as it may deem necessary or proper for the effective and efficient administration of the provisions of this chapter, which rules and regulations, when approved by the Governor and duly promulgated, shall have the force and effect of law;

"(b) To employ such technical and other assistants as may be necessary to assist in the administration and enforcement of the provisions of this chapter and to purchase and acquire such equipment as may be required for its use in locating or correcting sources of radio interference;

"(c) To subpoena witnesses and compel the production of documentary and other evidence, to take testimony in connection with any matters pertaining to the duties of the commission in the location and correction of radio interference or in other matters provided for by this chapter, and to administer oaths, and the fees and mileage of such witnesses shall be the same as those of witnesses in the circuit courts of the Territory;

"(d) To institute or cause to be instituted in the name of the Territory of Hawaii any criminal or civil proceedings that may be necessary or proper for the enforcement of the provisions of this chapter or the punishment of violations of its provisions;

"(e) To do any and all other things necessary, proper or incidental to the full and effective administration and enforcement of the provisions of this chapter and the exercise and performance of the powers and duties conferred and imposed upon the commission.

"(f) The powers granted the commission under the provisions of Chapter 132 of the Revised Laws of Hawaii 1925, insofar as the same may be appropriate to the more effective administration and enforcement of the provisions of this chapter, shall also apply to and be exercised by the commission in connection with its functions under the provisions of this chapter.

"Section 2210E. Creating radio interference unlawful. It shall be unlawful for any person, firm or corporation wilfully and knowingly to operate in the Territory of Hawaii any machine, appliance, device, equipment or apparatus of any kind which produces unnecessary and reasonably preventable radio interference to the extent that the same interferes with, in any substantial degree, the transmitting or reception of radio broadcast. Provided, however, that the terms of this chapter shall not apply to any broadcast, commercial or amateur radio station which has a license or permit for operation, issued by the government of the United

States or any of its duly authorized branches or departments, agencies or boards, and/or which is regularly engaged in interstate or international communication, or which is otherwise beyond the regulatory power of the Territory of Hawaii.

“Section 2210F. Complaints; summons; hearings; appeals. Whenever information shall come to any member of the commission that any person, firm or corporation is operating any apparatus coming within the purview of Section 2210E, it shall be the duty of such member to submit the facts in writing to the commission and the commission shall thereupon serve upon the alleged offender a copy of the complaint, together with a notice citing such person to appear at a time and place therein stated before the commission for investigation of such complaint. No further pleadings shall be necessary. If on such hearing or investigation the commission shall find that the alleged offender is operating apparatus which causes reasonably preventable radio interference to the degree forbidden by Section 2210E, the commission shall issue a written order notifying such person of its finding, setting forth the means by which such interference can be reasonably prevented or minimized, and ordering him within a certain reasonable period, to be stated in such order, either to desist from using such apparatus or to remedy such interference in the manner prescribed or in any other equally effective manner. Such person may appeal from such order to any circuit court of the Territory, provided he shall perfect the same by written notice duly filed, together with a copy of the written order appealed from, within ten days from the date of entry of such order, and such court shall have power to make such order as may be necessary or proper for the final disposition of the case and, if the order of the commission is sustained in whole or in part, shall fix a reasonable time within which the appellant must comply with such order. All such appeals shall be heard as upon appeal from district courts.

“If such person shall, after the period so fixed by the commission, or upon appeal, use such apparatus without having so remedied such interference, he shall be deemed guilty of a misdemeanor.

“Section 2210G. Penalties. Any person (including any firm or corporation) who violates any of the provisions of this chapter or wilfully and knowingly violates any rule or regulation of the commission duly promulgated thereunder shall, upon conviction thereof, be punished by a fine not exceeding ten dollars; and any member, officer or agent of any such firm or corporation who knowingly assists in or wilfully permits such violation shall also be punishable under this section.

"Section 2210H. Quorum; majority to act. Two members of the commission shall constitute a quorum for the transaction of business, and the commission shall be authorized to act under the provisions of this chapter by a majority of its members.

"Section 2210I. Effect of partial invalidity. If any provision or section of this chapter shall be held unconstitutional, or invalid for any other reason, such holding shall not invalidate or affect any other provision or section of this chapter; if any subject or matter which might otherwise be held to come within the provisions of this chapter shall be held to be beyond the regulatory power of the Territory, such holding shall not affect the validity and application of this chapter to other subjects and matters within such regulatory power, and this chapter shall be held not to apply to the former subjects and matters but only to the latter."

SECTION 2. This Act shall take effect on July 1, 1931.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the House of Representatives on the 22nd day of May, 1931.

ROY A VITOUSEK,
Speaker, House of Representatives.

JOSEPH ORDENSTEIN,
Clerk, House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII

Honolulu, T. H., May 22, 1931.

We hereby certify that the foregoing bill, after reconsideration of the veto of the Governor, was, upon a vote taken by Ayes and Noes, approved by a two-thirds vote of the elective members of the Senate on the 22nd day of May, 1931.

ROBERT W. SHINGLE,
President of the Senate.

ELLEN D. SMYTHE,
Clerk of the Senate.

J. R. No. 1

[S. J. R. No. 3]

JOINT RESOLUTION TO AMEND JOINT RESOLUTION NO. 5,
SESSION LAWS OF 1929, RELATING TO RATES CHARGEABLE BY
THE BOARD OF HARBOR COMMISSIONERS.

Be it Enacted by the Legislature of the Territory of Hawaii:

The enacting clause of Joint Resolution No. 5 of the Session Laws of 1929 is hereby amended to read as follows:

"Be it Enacted by the Legislature of the Territory of Hawaii:

That the Board of Harbor Commissioners for the Territory of Hawaii be and it is hereby authorized and directed to adjust and fix and enforce the rates assessable and chargeable by it in respect to wharfage, demurrage and other rates pertaining to harbors, wharves, and properties managed and operated by it, so as to produce therefrom net income sufficient in amount to equal the total of all bond requirements and expenses of operation for the coming biennium 1929-1931, and each succeeding biennial period, in respect to such harbors, wharves and properties under its control and management, provided, however, that the minimum of such amount to be produced shall not be less than one million eight hundred thousand dollars (\$1,800,000.00)."

Approved this 14th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

J. R. No. 2

[S. J. R. No. 6]

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES OF AMERICA TO REFUND TO THE TERRITORY
OF HAWAII TWO HUNDRED THOUSAND DOLLARS (\$200,-
000.00) ADVANCED BY SAID TERRITORY TOWARD THE COST OF
THE DEVELOPMENT OF NAWILIWILI HARBOR IN THE TERRI-
TORY OF HAWAII.

WHEREAS, by the River and Harbor Act of March 2, 1919, the development of Nawiliwili Harbor, County of Kauai, Territory of Hawaii, was authorized by the Congress as a Federal project, provided that the County of Kauai, or other agency, would deposit to the credit of the Secretary of War, in some bank in the Territory

of Hawaii to be designated by him, the sum of two hundred thousand dollars (\$200,000.00), said sum to be expended by the Secretary of War in the prosecution of said development work, which said sum was contributed by the Territory of Hawaii and spent for the construction of the breakwater at Nawiliwili; and

WHEREAS, it has been the policy of the Federal government, where harbor developments in the Territory of Hawaii are authorized by Congress, to construct all breakwaters and perform all the necessary dredging outside of the pier head line with Federal funds, the Territory, in turn, to construct all terminal improvements and other necessary dredging inside of the pier head line with Territorial funds; and

WHEREAS, it was found, after the construction of the Federal breakwater, that the harbor was still unsafe and unsuitable for terminal development, causing the Territory of Hawaii, at an additional expense to the said Territory of three hundred thousand dollars (\$300,000.00) to construct a retaining wall or secondary breakwater in order properly to protect the wharf areas from the sea action; and

WHEREAS, the Territory of Hawaii has at the present time expended or obligated out of Territorial funds for the development of Nawiliwili Harbor upwards of three-quarters of a million dollars; and

WHEREAS, the improved Nawiliwili Harbor is of tremendous value to the United States Navy, not only in time of emergency, but also at the present time; and

WHEREAS, the Territory of Hawaii has demonstrated its good faith in the Nawiliwili Harbor project, and has advanced two hundred thousand dollars (\$200,000.00) for the construction of the Nawiliwili breakwater wall, a project essentially Federal in its nature, and has expended in addition thereto upward of half a million dollars on said harbor, now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the Congress of the United States of America is hereby formally requested, through the Delegate to Congress from the Territory of Hawaii, to appropriate and repay to the Territory of Hawaii the said sum of two hundred thousand dollars (\$200,000.00), heretofore advanced by the said Territory of Hawaii as hereinabove set forth.

Approved this 14th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

J. R. No. 3

[S. J. R. No. 5]

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES OF AMERICA TO AMEND SUBDIVISION (c) OF SECTION 13 OF THE IMMIGRATION ACT OF 1924, AS AMENDED BY THE ACT OF CONGRESS OF JUNE 13, 1930.

WHEREAS, by the Act of Congress of June 13, 1930, amending subdivision (c) of Section 13 of the Immigration Act of 1924, a preference is apparently given to the Chinese wives of United States citizens, married prior to the approval of said Immigration Act of 1924, over wives of other nationalities ineligible to citizenship; and

WHEREAS, it is but fair and just that all such wives be placed upon an equal footing with respect to admission to the United States, now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the Congress of the United States of America is hereby requested to amend said subdivision (c) of Section 13 of the Immigration Act of 1924, as amended by said Act of Congress of June 13, 1930, by striking out the word "Chinese" appearing therein, and to that end the said Congress is hereby requested to adopt and pass that certain bill, being H. R. 13257, 71st Congress, 2nd Session, entitled: "A Bill relative to the admission under the immigration laws of wives of American citizens."

Approved this 16th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

J. R. No. 4

[H. J. R. No. 14]

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES OF AMERICA TO AMEND SECTION 534 OF TITLE 48 OF THE UNITED STATES CODE (SECTION 69 OF THE HAWAIIAN ORGANIC ACT) RELATING TO THE APPOINTMENT, POWERS AND DUTIES OF THE SECRETARY OF THE TERRITORY OF HAWAII, SO AS TO PROVIDE FOR THE APPOINTMENT OF AN ACTING SECRETARY OF THE TERRITORY OF HAWAII DURING THE ABSENCE OR ILLNESS OF THE SECRETARY.

Be it Enacted by the Legislature of the Territory of Hawaii:

That the Congress of the United States of America be and it hereby is requested to amend Section 534 of Title 48 of the United States Code (Section 69 of the Hawaiian Organic Act) relating to the appointment, powers and duties of the Secretary of the Territory of Hawaii, by adding, after the end of said section, the following provision:

"He may, with the approval of the governor, designate some other officer of the government of the Territory of Hawaii to act during his temporary absence from the Territory or during his illness. Such designation and approval shall be in writing and shall be filed in the office of the governor, and a copy thereof, certified by the governor, shall be filed with the Secretary of the Interior at Washington. Such person, so designated, shall, during the temporary absence or illness of the secretary, be known as the acting secretary of the Territory of Hawaii, and shall have and exercise all the powers and duties of the secretary, except those provided for by Section 535 of Title 48 of the United States Code, but shall not be entitled to any additional compensation while so acting. Provided, however, that the secretary shall be responsible and liable on his official bond for all acts done or performed by the person designated to act in his absence or illness as herein prescribed."

Approved this 18th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

J. R. No. 5

[H. J. R. No. 13]

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE
UNITED STATES OF AMERICA TO ENACT A LAW AUTHORIZING
APPROPRIATIONS FOR THE CONSTRUCTION OF A HIGHWAY IN
THE HAWAIIAN ISLANDS.**

WHEREAS, on September 27, 1921, and for a purely nominal consideration, the trustees under the will and of the estate of James Campbell, deceased, deeded to the United States sufficient land for a roadway from Honouliuli to Schofield Barracks. upon the understanding that construction of such road would commence as soon as possible, the federal government agreeing to keep said road open to the general use of the public; and

WHEREAS, construction of said road has not to date been either started or provided for, although it is and has been urgently needed; and

WHEREAS, there was introduced in the Seventy-first Congress of the United States by the Delegate to Congress from Hawaii, a bill, H. R. 6792, the purpose of which was to authorize the appropriation of \$363,000.00 for the construction of said highway between Schofield Barracks and Honouliuli, on the Island of Oahu, to be constructed under such conditions as should be determined by the Secretary of War; and

WHEREAS, final consideration of said bill was prevented by the final adjournment and expiration of the Seventy-first Congress; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the Congress of the United States of America is hereby formally requested to enact a law substantially identical with said H. R. 6792, Seventy-first Congress, authorizing the appropriation of said sum of \$363,000.00 for the construction of said highway from Schofield Barracks to Honouliuli, on the Island of Oahu, to be constructed under such conditions as shall be determined by the Secretary of War.

Approved this 27th day of March, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

J. R. No. 6

[H. J. R. No. 23]

**JOINT RESOLUTION REQUESTING THE SECRETARY OF WAR
OF THE UNITED STATES OF AMERICA TO DIRECT THE COM-
PLETION OF THE KAUNAKAKAI HARBOR DREDGING PROJECT.**

WHEREAS, the wharfage facilities and improvements at Kaunakakai Harbor, Molokai, cannot be utilized to the fullest extent by reason of the insufficient depth of the channel approach thereto; and

WHEREAS, it is highly desirable and will be of great convenience to shipping at said port to have such a channel dredged; and

WHEREAS, the improvement program of the United States board of engineers for rivers and harbors contemplates the dredging of Kaunakakai Harbor at some indefinite future date; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the Secretary of War of the United States of America is respectfully requested to direct the chief of engineers in charge of river and harbor improvements to undertake and complete the dredging of Kaunakakai Harbor, Molokai, as soon as practicable.

Approved this 8th day of April, A. D. 1931.

LAWRENCE M. JUDD,

Governor of the Territory of Hawaii.

J. R. No. 7

[S. J. R. No. 8]

**JOINT RESOLUTION AUTHORIZING FREE DISTRIBUTION OF
THE HISTORY OF HAWAII'S PART IN THE WORLD WAR.**

WHEREAS, by Act 120 of the Session Laws of 1921, as amended by Act 139 of the Session Laws of 1923, the Historical Commission was authorized to compile and publish a "History of Hawaii's Part in the World War, 1914-1918"; and

WHEREAS, two thousand copies of said history were printed, bound and delivered to the Secretary of Hawaii and thereafter offered for sale and distributed in keeping with the provisions of

Joint Resolution No. 5 of the Legislature of Hawaii, Session of 1927; and

WHEREAS, after selling ninety-three (93) copies at one dollar (\$1.00) each, total, ninety-three dollars (\$93.00); thirty (30) copies to responsible book sellers at eighty cents (80¢) each, total, twenty-four dollars (\$24.00); and distributing one hundred sixty-six (166) copies free; there are one thousand seven hundred eleven (1,711) copies remaining; and

WHEREAS, the balance accruing from sales: Gross, one hundred seventeen dollars (\$117.00); Expenses, thirty-four dollars and eighty-eight cents (\$34.88); net, eighty-two dollars and twelve cents (\$82.12) has been deposited in the General Fund of the territorial treasury; and

WHEREAS, twelve years have elapsed since the close of the World War and as consequence there will, in all probability, be but few, if any, further sales,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the Secretary of Hawaii is hereby authorized to deliver to each member of the Legislature of the Territory of Hawaii, Session of 1931, thirty (30) copies free of charge, a total of one thousand three hundred and fifty (1,350) copies; to the Governor of Hawaii, two hundred (200) copies free of charge; to the American Legion, Department of Hawaii, fifty (50) copies free of charge, for distribution to other posts and auxiliaries of the American Legion in Hawaii; to place one hundred eleven (111) copies in the Archives of the Territory of Hawaii, eleven (11) of which shall be for the permanent records of the Archives and one hundred (100) copies may be disposed of by the Archives Commission in exchange for document books, periodicals, etc., or in such other manner as the Archives Commission shall elect.

Approved this 15th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

J. R. No. 8

[H. J. R. No. 24]

JOINT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES OF AMERICA TO PROVIDE FINANCIAL ASSISTANCE TO THE TERRITORY OF HAWAII FOR THE SEGREGATION, CARE, MAINTENANCE AND TREATMENT THEREIN OF PERSONS AFFLICTED OR SUSPECTED OF BEING AFFLICTED WITH LEPROSY.

WHEREAS, ever since its inception the Territory of Hawaii has expended yearly large sums of money in the segregation, care, maintenance and treatment of persons afflicted or suspected of being afflicted with leprosy and in efforts to eradicate said disease; and

WHEREAS, by the Act of Congress of March 3, 1905 (33 Statutes at Large 1009) an appropriation was made by the United States for the establishment of a hospital station and laboratory of the Public Health and Marine-Hospital Service of the United States for the study of the methods of transmission, cause and treatment of leprosy at Kalawao, Island of Molokai, in said territory for the purpose of assisting said territory in the segregation, care and treatment of leprosy persons and the eradication of said disease, such appropriation being upon condition that the territory deed to the United States in perpetuity certain lands as a site for such hospital station and laboratory; and

WHEREAS, by proclamation of the governor of said territory, dated June 28, 1905, the territory pursuant to the requirements of said Act of Congress of March 3, 1905, transferred in perpetuity to the United States certain lands at said Kalawao containing an aggregate area of six hundred and forty acres, for use by the Public Health and Marine-Hospital Service of the United States for the purposes stated in said Act of Congress of March 3, 1905; and

WHEREAS, said Public Health and Marine-Hospital Service proceeded to erect buildings and improvements upon said lands for said purposes but soon found it impracticable to maintain a separate institution thereat for the care and treatment of leprosy persons and in some years abandoned the same, and said lands theretofore conveyed to the United States and all improvements thereon were finally, by quitclaim deed of the Secretary of the Treasury of the United States pursuant to an Act of Congress approved September 21, 1922 (42 Statutes at Large 995), reconveyed to said territory to be administered at its own expense; and

WHEREAS, said territory has therefore borne the entire burden of segregating, treating and caring for leprous persons in its jurisdiction up to the present time except for a station at Kalihi Receiving Hospital, at Honolulu, known as the United States Leprosy Investigation Station, administered by the United States Public Health Service; and

WHEREAS, by the Act of Congress of February 3, 1917 (39 Statutes at Large 872) the United States Public Health Service was authorized to establish a Federal Home for the care and treatment of all leprous persons in the United States who should present themselves for treatment thereat and of any leprous persons who might be consigned thereto by the proper health authorities of any state, territory or the District of Columbia, to be treated and cared for at the expense of the United States; and

WHEREAS, pursuant to said last mentioned Act a home for the care and treatment of persons afflicted with leprosy was established at Carville in the State of Louisiana and has ever since been maintained thereat by the United States Public Health Service at the expense of the United States and said United States Public Health Service has received and maintained and treated thereat leprous persons from various states and territories but has never been called upon by the Territory of Hawaii to receive, maintain or treat thereat leprous patients from said territory; and

WHEREAS, the expense of segregating, treating and caring for leprous persons has constituted and still constitutes a heavy burden upon the people and limited resources of the Territory of Hawaii so that said territory has been and is unable to undertake the most effective and modern program possible for the treatment of such persons and the eradication of said disease; and

WHEREAS, the territory, by treating and caring for all leprous persons therein has saved and is saving to the government of the United States the expense of transporting to and treating and maintaining at said Carville all of said leprous persons, liability for which the territory is authorized to transfer to said United States government under the provisions of said Act of Congress of February 3, 1917; and

WHEREAS, said territory is still desirous, insofar as its resources permit, to continue to segregate, treat and care for its own citizens or residents afflicted or suspected of being afflicted with said disease and to continue its efforts to eradicate said disease but is in need of financial assistance in order adequately to do so; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the Congress of the United States of America be and it hereby is requested to provide for adequate financial assistance to the Territory of Hawaii by the United States government to enable said territory properly and adequately to continue to segregate, treat and care for leprous persons therein and to continue its efforts to stamp out said disease; and to that end the said Congress is hereby requested to provide for the payment yearly to said territory of a per diem for each person afflicted or suspected of being afflicted with leprosy treated and/or cared for by said territory during such year equal to the per diem expended by the United States Public Health Service in the care and treatment of each patient at said home for the care and treatment of leprous persons at Carville, aforesaid, and to enact into law a bill substantially in the form of that hereto attached and made a part hereof, entitled "A Bill to provide Federal aid for the Territory of Hawaii in the segregation, care, maintenance and treatment of persons afflicted or suspected of being afflicted with leprosy therein, and in the eradication of said disease."

"A BILL TO PROVIDE FEDERAL AID FOR THE TERRITORY OF HAWAII IN THE SEGREGATION, CARE, MAINTENANCE AND TREATMENT OF PERSONS AFFLICTED OR SUSPECTED OF BEING AFFLICTED WITH LEPROSY THEREIN, AND IN THE ERADICATION OF SAID DISEASE.

"Be it Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled:

"SECTION 1. That the Secretary of the Treasury shall, as soon as may be after the first day of July of each year commencing with and following the year 1932, pay to the treasurer of the Territory of Hawaii out of any money in the treasury not otherwise appropriated, a sum of money equal to the average amount expended per patient per diem during the preceding fiscal year by the United States Public Health Service at Carville in the State of Louisiana in the care and treatment of leprous persons, multiplied by the product of (1) the average number per day of persons afflicted or suspected of being afflicted with leprosy treated and/or cared for in leprosariums and/or hospitals maintained by said territory for such purposes during such preceding fiscal year and (2) the number of days in such preceding fiscal year. All amounts so paid shall be deposited by the territorial treasurer in a special fund and shall be expended in such manner as may be directed from time to time by the legislature of the territory in the segregation, care, maintenance and treatment of persons in said territory afflicted or suspected of being afflicted with leprosy and/or for

the construction, repair, maintenance, improvement, furnishing and/or equipping of leprosariums and/or hospitals and/or other facilities for the care, maintenance and treatment of such persons.

"SECTION 2. The governor of said territory shall, as soon as may be after the end of each fiscal year, submit to the Secretary of the Treasury a detailed statement showing the number of persons afflicted or suspected of being afflicted with leprosy treated and/or cared for during each day of such year in any leprosariums and/or hospitals maintained for such purposes by said territory and the average number of such persons so treated and/or cared for per day during such year.

"The United States Public Health Service shall also submit to the Secretary of the Treasury, as soon as may be after the end of each fiscal year, a statement showing in such detail as the Secretary of the Treasury may require the average amount per patient per diem expended at Carville in the care and treatment of leprosy persons as aforesaid.

"The Secretary of the Treasury may also require the governor of said territory and/or the United States Public Health Service to furnish such further pertinent information as he shall deem necessary for the purpose of determining the amounts payable to said territory from time to time under this Act.

"SECTION 3. This Act shall take effect upon its approval."

Approved this 18th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

J. R. No. 9

[S. J. R. No. 9]

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES OF AMERICA TO PROVIDE FOR THE ISSUANCE, BY THE BUREAU OF IMMIGRATION OF THE DEPARTMENT OF LABOR, OF CERTIFICATES OF CITIZENSHIP TO ALL PERSONS RESIDING IN THE TERRITORY OF HAWAII WHO ARE CITIZENS OF THE UNITED STATES AND WHO APPLY FOR SUCH CERTIFICATES AND PRESENT DUE PROOF OF SUCH CITIZENSHIP.

WHEREAS, through the cooperation of the bureau of immigration of the department of labor of the United States provision has been made by said bureau for the issuance, to citizens of the

United States in the Territory of Hawaii who are about to travel to continental United States and/or to other portions of the world, of certificates of citizenship for the purpose of facilitating travel by such persons; and

WHEREAS, such action on the part of said bureau has been and is greatly appreciated by the people of the Territory of Hawaii and has assisted and is assisting in alleviating the hardships heretofore imposed upon citizens of the Territory of Hawaii and of the United States, particularly those of oriental ancestry, in traveling to other portions of the United States and of the world; but

WHEREAS, such certificates are not issued unless and until the applicants therefor contemplate traveling to other portions of the United States or the world within the near future and persons who do not so contemplate such travel are unable to secure such certificates, and there is danger, in the case of citizens not contemplating such travel, that the necessary proof of their birth in the Hawaiian Islands or other facts necessary to establish their citizenship in the United States will be lost by death or removal from the Territory of Hawaii of witnesses who can testify to such facts or otherwise; and

WHEREAS, due to the large number of persons of oriental or polynesian ancestry in the Hawaiian Islands born therein or otherwise entitled to citizenship in the United States and to the historical background of said Islands, the conditions in said Islands relating to the necessity for the certification of the citizenship of such persons are unique and require special treatment due to their unusual character; and

WHEREAS, the certification of the citizenship of such persons, upon due application and proof being made therefor, regardless of the presence or absence of intention on the part of such persons to travel in the immediate future, is a matter of vital importance to the young citizens, particularly those of oriental ancestry, in the Territory of Hawaii, and if provided for will tend to produce greater security and satisfaction in such citizenship and will tend to create better and more loyal citizens of the United States; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the Congress of the United States of America be and it hereby is urgently requested to provide by appropriate and adequate legislation for the certification of the citizenship of all persons residing in the Territory of Hawaii who are citizens of the United States and who apply for such certification to the bureau of immigration of the department of labor of the United States

and furnish due proof of such citizenship, regardless of the presence or absence of any intention on the part of such applicants to travel in the immediate future.

That duly authenticated copies of this Joint Resolution be transmitted to the Delegate to Congress from Hawaii, the Secretary of the Interior and the Secretary of Labor of the United States, and each of the two Houses of the Congress of the United States of America.

Approved this 22nd day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

J. R. No. 10

[S. J. R. No. 12]

JOINT RESOLUTION DIRECTING THE BOARD OF HARBOR COMMISSIONERS OF THE TERRITORY OF HAWAII TO MAKE AVAILABLE SPACE IN PIERS AND WHARVES UNDER ITS CONTROL FOR USE BY GOVERNMENTAL DEPARTMENTS.

WHEREAS, the board of harbor commissioners has under its management and control numerous wharves and piers containing space suitable for occupancy and use by territorial departments and officers; and

WHEREAS, there is an urgent need for additional office space by numerous departments of the territorial government; and

WHEREAS, the board of harbor commissioners has been vested with the control and management of all harbors, wharves and piers of the territory, now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the board of harbor commissioners be, and it hereby is, authorized and directed to cause to be vacated as soon as may be under the terms of existing leases or agreements, such office and storage space rented by said board to private persons, firms or corporations, as may be requested by the governor, and to make such space available for use of territorial departments and officers.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

J. R. No. 11

[S. J. R. No. 13]

JOINT RESOLUTION REQUIRING CLAIMS FOR LEGISLATIVE AUTHORIZATION OF REFUNDS, REIMBURSEMENTS AND OTHER PAYMENTS TO BE FILED WITH THE DIRECTOR OF THE BUREAU OF THE BUDGET OF THE TERRITORY AT LEAST THIRTY DAYS PRIOR TO THE CONVENING OF THE LEGISLATURE AS A CONDITION TO THEIR BEING CONSIDERED AND ACTED UPON.

WHEREAS, an ever increasing number of claims for various types of refunds, reimbursements and other payments is being presented to each succeeding legislature, necessitating the expenditure by the various committees of both houses of considerable time, effort and money in investigating such claims at a time when other public business should be receiving their attention; and

WHEREAS, these conditions can be largely obviated by the proper preparation, filing and investigation of such claims as is hereinafter provided, now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That as a condition of their being considered by the legislature, all claims for refunds, reimbursements and/or other payments, authorization for which is sought from the legislature, shall be filed in duplicate with the director of the bureau of the budget of the territory at least thirty days prior to the convening of the legislature, together with duplicates of all data and documents in support thereof. In the absence of a showing of sufficient reason therefor, failure to comply with the provisions of this paragraph shall be deemed sufficient cause for refusal of the legislature to consider such claims.

It shall be the duty of the director of the bureau of the budget immediately upon receipt thereof to refer any such claim and data so received by him to the head of the department, bureau, board or commission concerned, and it shall be the duty of such person to whom such reference is made immediately to investigate the claim, secure in duplicate all available data and documents bearing thereon, and prior to the convening of the legislature refer the same back to the director of the bureau of the budget with his recommendations thereon. It shall be the duty of the director of the bureau of the budget, within five days after the opening of the session, to transmit such claims, together with all accompanying data so presented, to the committee on ways and means of the

Senate and the committee on finance of the House of Representatives.

Approved this 29th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

J. R. No. 12

[H. J. R. No. 3]

**JOINT RESOLUTION AUTHORIZING AND DIRECTING THE
BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF HONO-
LULU TO ACQUIRE CERTAIN LAND IN THE PALAMA DISTRICT
TO BE USED FOR A PUBLIC PLAYGROUND.**

WHEREAS, the Palama District in the City of Honolulu, Territory of Hawaii, has no playground large enough to adequately provide baseball and other fields and play space for the residents of that section; and

WHEREAS, the City of Honolulu with rapidly increasing population is in need of more public playgrounds in its more congested areas; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the board of supervisors of the City and County of Honolulu be, and it is hereby, authorized and directed to purchase for a public playground and public park, a piece or parcel of land situated at Kapalama, Honolulu, and being anywhere in that district between North Vineyard Street and Dillingham Boulevard, containing an area of fifteen (15) acres, more or less, and said board is hereby empowered to enter into a right of purchase lease with the owners thereof for the leasing and purchase of said lands, the final purchase thereof to be made as soon as funds are available for such purchase.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

J. R. No. 13

[H. J. R. No. 22]

JOINT RESOLUTION REQUESTING THE COMMISSIONER OF
PUBLIC LANDS TO ACQUIRE CERTAIN LAND AT HANA HAR-
BOR, MAUI.

WHEREAS, there is no longer available to the public, except by the sufferance of private owners thereof, any suitable place at Hana Harbor, or along the adjacent shores for the landing and beaching of canoes and other small water craft; and

WHEREAS, it is desirable and necessary that a place be made available to the public for such purpose; and

WHEREAS, the Hawaiian fishermen living in and about Hana have at all times used as a look-out point Kauiki Hill; and

WHEREAS, the trail leading up to the hill is privately owned property, and it is desirable that the trail be owned by the public so that the citizens of the territory may have free use of the same; now, therefore,

Be it Enacted by the Legislature of the Territory of Hawaii:

That the commissioner of public lands is hereby requested to acquire by purchase, exchange or condemnation (a) as a public park, to be used among other purposes for the landing and beaching of canoes, all of the following described property, to-wit:

"All that portion of grant 634.3 to G. P. Judd, situated at Wananalua, Hana, Maui, owned by the Kaeleku Sugar Company, lying makai of the public road leading from the old Hana landing to the new Hana wharf, and also approximately one-half acre to be selected by the commissioner of public lands on the mauka side of said road;"

(b) as a public right of way to Kauiki Hill, all of that certain land now used as a trail.

Approved this 30th day of April, A. D. 1931.

LAWRENCE M. JUDD,
Governor of the Territory of Hawaii.

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